

ADVOCATING FOR YOUR  
CHILD'S EDUCATION

revised by  
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You have now in your hands the seventh edition of “Advocating for Your Child’s Education,” skillfully revised by Jean Estes and type and edited by Donna Champion. Many thanks to Steve Hall, Stacey Ramirez, Rita Young, Dottie Adams, the Georgia Department of Human Resources, Division of MHDDAD, Office of Developmental Disabilities, and the Atlanta Alliance on Developmental Disabilities without whose financial assistance and perseverance this project would not have reached completion. We are also grateful to those of you who helped read drafts, update information and made helpful suggestions. Please note the addition of website addresses in the appendices.

Please use this edition as a tool toward the end of a better educational experience for your child. It is dedicated to you and to all parents who share your children with your schools and neighborhoods - even when it is difficult. Please don’t give up the sharing. It is important - vital to our communities. We are thankful to the many parents who have taught and inspired us for the last quarter of a century with their determination, passion perseverance and heroism as they have struggled to achieve an appropriate education for their children. We would especially like to thank the following individuals:

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## ADVOCATING FOR YOUR CHILD'S EDUCATION

	<u>Page</u>
I. INTRODUCTION	1
II. THE LAWS	2
Section 504 of the Rehabilitation Act	2
Americans with Disabilities Act	3
Family Educational Rights and Privacy Act	4
No Child Left Behind Act of 2001	4
McKinney-Vento Homeless Assistance Act	5
Individuals with Disabilities Education Improvement Act of 2004	5
Beyond the Laws	9
Alternatives to an IEP	9
Obtaining an Education under IDEA	14
III. IDENTIFICATION, REFERRAL, AND EVALUATION	15
Child Find	16
Evaluation	16
Reevaluation Requirements	23
Evaluation Checklist	28
Eligibility	29
Response to Intervention	29
IV. INDIVIDUAL EDUCATION PLAN	31
The IEP Committee Meeting	31
Information to Be Included in Your Child's IEP	35
V. RESOLVING DISAGREEMENTS	49
Negotiation	52
Formal Complaints	52
Mediation	54
How to Prepare for Mediation	54
Due Process Hearings	54
Early Complaint Resolution	56

	Preparing for a Due Process Hearing	57
	Filing a Federal Complaint	58
	Lawsuits	63
VI.	ORGANIZATIONS	63
	Involvement in Organizations	63
	Monitoring a Local Education Agency	68
VII.	SUMMARY	69
VIII.	APPENDIX	
	Acronyms Used in Special Education	
	Resources	
	Internet Legal Research	
	Publications	
	Program for Exceptional Children	
	Georgia Learning Resources System	
	Sample Forms	

## INTRODUCTION

After years of effort by many different people, many pieces of legislation have been passed in an attempt to get appropriate services in the public schools for children with disabilities. This manual was developed around the laws and their procedural safeguards, yet recognizes that laws, in and of themselves, do not change attitudes. People change attitudes.

Children with disabilities have as many and varied gifts, strengths, skills and weaknesses as anybody else and need to belong, to be taught and nurtured so that these strengths, skills, gifts, and even weaknesses can grow, develop and change.

This manual attempts to provide you with information about the laws that may be useful to, and supportive of you in your effort to advocate for your child's right to a free and appropriate public education. There are names, phone numbers, websites, and addresses of people and agencies that may help you in your efforts. There is also a list of resources, sample forms, and some ideas that may be useful as you try to achieve an appropriate education for your child in the least restrictive environment.

More than that, this manual has tried to share with you the spirit behind the legislation. Our federal government has expressed repeatedly, through laws and case law, the preference that there be one educational system that values all students and prepares them to be productive members of society. It has further expressed a strong preference that the regular classroom in the neighborhood school should be the first option for educating students with disabilities. It is up to all of us, as a community, to ensure that administrators and teachers receive the information, training, and assistance they need to make this option not only the first considered, but the best and most successful, as well.

## THE LAWS

The laws referred to in the introduction are: "Section 504 of the Rehabilitation Act of 1973" (Public Law 93-112); the Americans with Disabilities Act, commonly referred to as the ADA; the Individuals with Disabilities Education Improvement Act of 2004, (IDEA 2004); No Child Left Behind (NCLB); the Federal Education Rights Privacy Act (FERPA); and the McKinney-Vento Homeless Assistance Act.

These laws recognize a national pattern of discrimination against persons with disabilities and attempt to reverse the trend through increased opportunities for inclusion in society's mainstream. The laws maintain that if people are to be fully integrated into their communities and have the ability to make choices, they must have the opportunity and support to do so at the earliest possible age. If people are to develop into responsible citizens and contribute to society, they must be a part of the society, not isolated or segregated because of their disability. Although the language of law is often complicated and difficult to read, you should make an effort to understand the major points of these laws, your rights and entitlements, and the procedures developed to safeguard them.

The law also recognizes that including persons and making available existing programs does not assure equal opportunity. In a number of contexts, persons with disabilities may need different or specialized instruction to ensure that they can take advantage of an opportunity. For example, a child who has a hearing impairment and is admitted to a regular classroom is not being given an equal opportunity to obtain an education unless s/he is provided with some means of understanding the teacher. (Under Section 504, "access" to a program goes beyond enabling a person to be physically present. It is the burden of any program receiving federal funds to make programs accessible through physical accommodations and the provision of appropriate supports.) It is often through these provisions that integration, learning, and opportunity become meaningful experiences for persons with disabilities.

### **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.)**

Section 504 was one of the first federal civil rights laws enacted to protect the rights of persons with disabilities. It is a broad sweeping civil rights law which is very similar to other civil rights legislation. Section 504 prohibits discrimination on the basis of disability against students, their parents and school district

Education/2

employees with disabilities. The law "... establishes a mandate to end discrimination and to bring disabled persons into the mainstream of American life." It states, in part, the following:

No otherwise qualified individual with a disability ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance ...

In reviewing Section 504, you should pay particular attention to Subpart D of its implementing regulations which further explain and clarify Section 504. They can be found at 34 C.F.R. Part 104. A copy can be obtained through your Representative in Congress or by contacting:

Mr. Thomas Hibino, Acting Regional Director  
United States Department of Education  
Office for Civil Rights, Region IV  
61 Forsyth Street  
Room 19-T-70  
Atlanta, Georgia 30303

(404) 562-6350

### **The Americans with Disabilities Act (ADA, 42 U.S.C. §12132 and §12133)**

The ADA expanded the number of businesses and entities that must abide by the accessibility provisions and refrain from discriminating under the law. This statute seems to pick up where Section 504 leaves off. It uses the same three pronged definition of a person with a disability that is found in Section 504 and provides new requirements in employment, seeks to eliminate barriers to accessibility, but does little more to ensure access to education.

Section 504 and Title II of the ADA do provide a remedy for children who have been subjected to harassment from another due to their disability. Together, they provide a framework in which modifications and accommodations can be provided for students in school and when taking standardized tests. In addition, they ensure that buildings and programs will be accessible. Section 504 also provides some safeguards to ensure that some of the special education procedures are correctly followed, but it does not provide as many legal protections or

Education/3

benefits to a child who is eligible for special education and related services under the IDEA 2004.

**Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. §1232 et seq.)**

This law, like Section 504, applies to all agencies and entities that receive federal funds, including public schools, colleges, and universities. Its intent is to protect the privacy of students and their parents. FERPA defines educational records, privacy, and confidentiality; states the parameters of parent access to educational records; instructs parents on how to amend records; and instructs school districts on how and when such records should be destroyed.

The regulations that further explain and clarify FERPA are contained in the Code of Federal Regulations at 34 C.F.R. Part 99.

**No Child Left Behind Act of 2001 (NCLB 20 U.S.C. §6301 et seq.)**

This law was enacted in an effort to combat the fact that at the turn of the century, millions of students were exiting school without having learned the most basic skills and unprepared to live as independent adults. This law is a reauthorization of the Elementary and Secondary Education Act of 1965 which was initially written to give equal educational opportunities to poor children. In its first amendment, in 1966, a grant program was developed to help the states improve educational services for children with disabilities.

In 2001 its stated purpose was more clearly defined as follows:

The purpose of this title is to ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education and reach a minimum proficiency on challenging state academic achievement standards and state academic assessments.

NCLB was enacted in an effort to close the gap in achievement test scores between children from low income families, children with disabilities, children for whom English is a second language, children who are racial minorities, and typically developing middle class children. It focuses on teaching reading using research based programs and highly qualified teachers. It requires more information be shared with parents and gives them both more opportunities for involvement in their children's education and more power in the decision-making process.

Education/4



### **McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431, et seq.)**

This law was enacted to ensure that children who are experiencing disruptions to their living situation due to illness or death of family members, natural disasters, or other causes have some degree of normalcy and routine by allowing them to continue to attend school.

This law requires public schools to allow homeless children equal access to a free appropriate public education as is given to all other children in the state. Schools are further required “to act in the best interest of the child,” not to isolate or segregate them, and to provide homeless children and their parents their educational rights under this law.

### **Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004, 20 U.S.C. §1400, et seq.)**

This law was originally proposed in Congress in 1972 as a result of the combined effects of Brown v. Board of Education, 347 U.S. 483 (1954), Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (1971), 343 F. Supp. 279 (1972) and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (1972) that established in law, a right to education for all children with disabilities. Public Law 94-142 was enacted by Congress on November 19, 1975 as the first statute which expressly granted the right to children with disabilities to a public education. This law established both process and procedures for holding state and local education agencies accountable for providing an education for all students. In addition, a comprehensive system of checks and balances was put in place to ensure that the rights of students with disabilities and their parents would be protected under this law.

PL 94-142 has been changed, amended, and renamed and reauthorized many times since 1975, most recently on December 3, 2004. In this most recent authorization, Congress incorporated many provisions of NCLB by focusing on the acquisition of all parts of the skill of reading, by requiring that instruction be research based, and teachers be highly qualified. Congress further stated its purposes in reauthorizing this law were to ensure that children with disabilities are provided with an education specifically designed to meet their unique needs to prepare them for higher education, employment, and independent living, and to protect their rights and those of their parents. It clearly stated that the education for children with disabilities will be improved by having high expectations of

Education/5

them and ensuring their access to the same curriculum in regular education classes with their typical peers.

Many important changes were made from the earlier reauthorization in June, 1997 which include, but are not limited to, the following:

- There is alignment with NCLB which requires research based educational methods be used when available.
- Teachers of core subjects must be highly qualified to teach those subjects.
- Due to the incorporation of NCLB and the McKinney-Vento Homeless Assistance Act, six new definitions were added to the definitions found in section 1401, thus clarifying and expanding the law, including:
  - ★ core academic subjects;
  - ★ highly qualified teacher;
  - ★ homeless children;
  - ★ limited English proficient;
  - ★ universal design; and
  - ★ ward of the state.
- Schools are no longer required to consider whether a child has a large discrepancy between his/her IQ and his/her achievement scores to find him/her eligible for services for students with learning disabilities.
- Children who are placed by their parents in private schools, including religious schools, may be eligible for special education services on the private school premises from their local education agency.
- All children with disabilities must participate in all state and district-wide assessments with the necessary accommodations as indicated by their IEPs.
- States are now required to develop policies and procedures to prevent disproportionately large numbers of minority students from being placed in special education.
- School staff can no longer require students to take prescription medication, be evaluated, or receive special education services in order to attend school.
- School districts must serve children with disabilities who attend charter schools in the same way that children who attend other public schools are served. Supplementary services and related services must be provided in the charter school. (§1413(a)(5))
- Schools can use special education funds to provide academic and/or behavioral assistance to struggling students who have not yet been made eligible for special education.
- Schools can also use special education funds for teacher training so that teachers learn how to provide scientifically or research based instruction.

Education/6

- Schools are no longer required to reevaluate a child more than once per year unless agreed to by the school district and parent.
- Assessment instruments must be free from discrimination, racial, and cultural bias.
- Assessments must also be given in a way to generate accurate information about what the student knows and can do.
- Assessments must be given to students by persons who are appropriately trained and knowledgeable.
- Reading instruction has been broken down into the following component parts, in an effort to ensure better and more systematic instruction:
  - ★ phonemic awareness
  - ★ phonics
  - ★ vocabulary development
  - ★ reading fluency
  - ★ reading comprehension
- To determine if a student has a specific learning disability, it is no longer necessary to measure IQ and academic achievement and have a difference of a specified number of points. The school district may use Response to Intervention to find out if the student benefits from scientific research based interventions as part of the evaluation process or can determine that no data is needed to determine the student's eligibility or specific need.
- Schools must review evaluations and information provided by parents.
- Schools must evaluate a student prior to terminating or changing his/her eligibility for special education services.
- A student's IEP must now include "a statement of the special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the child ..."
- Beginning at age 16, the student's IEP must contain in his/her transition plan, appropriate measurable postsecondary goals based upon assessment data. Age appropriate assessments should be conducted in the areas of training, education, employment, and independent living skills. Once goals are developed, the services necessary to teach the skills are added to the plan.
- Parents can consent in writing to excusing members of the IEP team if the school agrees.
- When a student transfers to another school, the new school must provide comparable services to those in the current IEP until the new IEP is developed and implemented.
- Parents and schools can decide to amend or change an IEP without a meeting. The revised IEP must be in writing, describe the changes made, and state that an agreement not to meet was made. Parents must be given a copy of the revised IEP.

Education/7

- IEP meetings, placement meetings, and early complaint resolution sessions may be held through conference calls or video conferences.
- Parents have a right to request an Independent Educational Evaluation of their child at public expense and a right to choose their own qualified evaluator.
- Written settlement agreements are now legally binding agreements.
- Within 15 days of receiving a parent's request for a due process hearing, a school district is required to schedule an early complaint resolution session. Parents can agree to waive this resolution meeting and/or use mediation.
- School districts may now recover attorney's fees from the parent's attorney if the hearing request is frivolous, unreasonable, harassing, causes unnecessary delays, increases the cost of litigation, or for a few other limited circumstances.
- Schools can now "consider any unique circumstances on a case-by-case basis" to determine if a student's placement must be changed if a student breaks a school rule.

There are other changes which can be found in the law and regulations. You should be able to obtain a copy of the regulations from your Congressperson, your local school board, the U.S. Department of Education, [www.wrightslaw.com](http://www.wrightslaw.com), or by ordering it from the

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

There may be a small charge for copies.

It is also advisable to obtain a copy of the current state rules and local special education plans. It is important for you to know how the GA DOE interprets the law and how it plans to achieve compliance. Copies of these plans and rules may be obtained from your local school superintendent or through the:

Division for Exceptional Students  
Georgia Department of Education  
1870 Twin Towers East  
Atlanta, Georgia 30334  
(404) 656-2425

The Department of Education has an extensive website (<http://www.gadoe.org>). While sometimes confusing and difficult to navigate, it is worth persevering as it contains a lot of useful information, resources, and forms.

Education/8

## **Beyond the Laws**

After much observation and study, it seems that the system of providing special education services that had evolved in Georgia and most other states contradicted the intent of Congress. At first, lawmakers simply wanted to get children with disabilities into schools and to make sure they were treated fairly. As time went on, the laws were amended and Congress' stated purpose changed. While continuing to require access to an education and that the students' rights were honored, Congress began to require that states be held accountable for quality educational outcomes. It has continued raising standards and expectations now requiring more highly trained and qualified teachers and that research based instruction methods be used whenever possible.

Congress has finally recognized that children with disabilities, if properly educated, can lead independent and productive lives, and it clearly expects them to do so.

While the situation in all schools for all children is not yet perfect, at least we now have a clearer understanding and a framework for developing a comprehensive approach which combines the best features of education. It is now easier to bring all children together, creating opportunities for excellent instruction and resultant growth and change in all of education.

Many members of Congress intended this all along, but a steady stream of litigation and parent's increased access to other parents through list-serves and the wealth of information available through the internet has hastened these intended changes.

## **Alternatives to an IEP**

Many children have difficulty learning in a regular classroom with traditional teaching strategies. This does not mean, however, that they must be pulled out of that classroom or that they must fail. A hierarchy of alternatives has been developed stemming from litigation or law or both, which help provide needed support to the struggling learner to allow his/her successful participation in regular education settings. When used creatively and consistently these can be good alternatives to the IEP process to avoid unnecessary labeling, stigmatization, and possible segregation of students in Georgia that can follow eligibility for special education. These other possibilities are described below:

- I. Student Support Team Plan: The Student Support Team (commonly referred to as SST) is defined as a plan developed by an interdisciplinary team that

Education/9

addresses the needs of students having learning and/or behavior problems in school. Further, the SST uses a systematic process to identify the student's strengths and weaknesses and to develop suggestions and strategies for the child's teacher(s) to implement in the classroom(s).

A. State Board of Education Rule 160-4-2-.32 requires that the SST process be used in every public school in Georgia and that the following steps be included:

1. Information about the child and the difficulty s/he is having is collected.
2. Evaluation and/or assessment, including vision and hearing screening, may be conducted with parental consent. Existing information and data is reviewed.
3. A meeting is held to develop a plan of supports, modifications, alternatives, and suggested strategies (e.g. oral tests, changed seat, reduction in amount of homework problems).
4. Dates and time limits are established for when and how the plan will be implemented.
5. Progress is reviewed and evaluated.
6. Continuous monitoring and evaluation is done.

B. Participants in the SST process vary according to the needs of the child. At least three people are required by state rule and parents shall be invited to participate in developing an SST plan for their child. Others who may participate include the following:

- a. Referring teacher;
- b. Principal/Assistant Principal;
- c. General education teacher;
- d. Special education teacher;
- e. Counselor;
- f. School psychologist;
- g. School social worker;
- h. Lead teacher;
- i. Media specialist;
- j. School nurse;
- k. Central office personnel;
- l. Other appropriate personnel.

Education/10

C. A written plan shall be made, with a copy provided to the parent of all activities outlined above. An important point for parents to remember is: Anyone can request an SST meeting – including, and especially, you. If your child begins having trouble in school and you cannot resolve it, keep a written record of the details, and call his/her school to ask for help. The SST process is open to the entire school and has been put in place in an effort to resolve any problem that hinders learning.

II. § 504 Plan: Section 504 of the Rehabilitation Act of 1973 guarantees students with disabilities equal access to their education to that of typical students. It broadly prohibits the denial of participation in public education or the enjoyment of benefits offered in public school programs or activities due to a student's disability. Congress did not attach any funding to ensure compliance with this law but rather conditioned the receipt of future funding on it.

The intent of the law is to provide a systematic, consistently implemented series of modifications to help a child learn, in a regular education environment.

#### Requirements

To be eligible for the educational rights and protections of Section 504 in school a child must:

- be between the ages of 3 and 21;
- be a resident of a school district;
- have a physical or mental impairment which substantially limits one or more major life activities (e.g. walking, seeing, hearing, speaking, learning, breathing, working, caring for one's self);
- have a record of such impairment; or
- be regarded as having such an impairment.

#### The Section 504 Process

- **Child Find** – The school district must conduct child find at least one time each year by notifying students with disabilities and their parents of the district's obligation to provide a free and appropriate public education.
- **Referral** – Before referring a student for evaluation, the district must reasonably believe that the student is having academic, behavioral or social problems that are substantially interfering with the student's performance at school.
- **504 Team** – The 504 team is responsible for evaluation and placement of the child. There are no required participants, not even the parents, but the team should be comprised of a group of persons, some of whom are

Education/11

knowledgeable about:

- ★ the child
- ★ the implications of the evaluation data
- ★ placement alternatives

● **Evaluation** – Prior parental consent is required and does not always include testing. (§104.35) It is defined as a collection of information from a variety of sources including

- ★ standardized tests
- ★ aptitude and achievement tests
- ★ adaptive behavior screeners
- ★ student grades
- ★ disciplinary referrals
- ★ parent information
- ★ medical information

Multiple sources of information must be considered and documented prior to determining eligibility. If a child is found eligible, an accommodation plan will be developed which describes the child's placement.

● **Placement** – The series of individually developed modifications and accommodations which will enable the child to participate successfully in his/her regular classes and curriculum in spite of his/her disability. Section 504 does not support reducing expectations for children with disabilities, but rather supports them to succeed. Some examples of the various modifications which can be made for students in a Section 504 plan include, but are not limited to, the following:

#### Teaching Strategies

##### **Use of a variety of teaching methods.**

- Allow alternative testing procedures such as additional time; giving tests orally; allowing students to dictate answers into a tape recorder.
- Individually tailor (e.g., reduce) class work and homework assignments.
- Utilize technology such as computers, calculators, tape recorders.
- Provide class notes prepared by either another student or the teacher.
- Provide duplicate textbooks for use at home.
- Provide assignment sheets.

##### **Use of additional personnel**

- Peer tutors.
- Cooperative student learning groups.
- Paid paraprofessionals.
- Volunteer aides (parents, grandparents).



### **Use of alternate materials**

- Use materials which address the student's learning style such as visual, tactile, kinesthetic, auditory, etc.
- Use appropriate assistive technology devices
- Vary the reading level of materials to individual levels.

### Communication

#### **Increase parent/student/teacher communications.**

- Regular/frequent telephone calls, notes or e-mails.
- Develop a daily/weekly notebook.
- Schedule parent/teacher meetings as often as necessary.

#### **Increase staff communications.**

- Create networks between special and regular education staff.
- Keep Principal informed as to what is being done.

### Management

- Modify the student's day/week.
- Allow additional time to change classes.
- Adjust student's seating in classroom (e.g. use of study carrel, or seat the student in front or on either the extreme left or right side of the room to accommodate vision or attention problems).

### Testing

#### **Use alternative format.**

- Multiple choice.
- Matching.
- True/False.
- Fill in Blank, with or without word bank.

#### **Make tests as short as possible.**

#### **Space questions far apart to increase readability.**

#### **Allow oral testing either into a tape recorder or with a person.**

This list is by no means exhaustive as the types of modifications which are needed can be as varied as the students.

- Procedural Safeguards under § 504:
  - ★ notice
  - ★ an opportunity to examine records
  - ★ a right to an impartial hearing
  - ★ a review procedure
- § 504 requires:
  - ★ that facilities, services, and academic instruction provided to students with disabilities be comparable to that provided to nondisabled peers

- ★ that facilities and programs be accessible to students, their parents, and members of the community
- ★ that nonacademic services be accessible, including but not limited to:
  - after-school programs
  - field trips
  - recreational activities, and
  - summer programs

These types of activities cannot condition a child with disabilities' participation on a parent's attendance, or charge them more money, or exclude them. In addition, under § 504, students with disabilities must be provided equal opportunities to participate in extra-curricular activities like sports, clubs, etc.

Finally, Section 504 requirements apply to students and school district employees with disabilities and also parents and members of the public with disabilities who participate in parent teacher organizations (PTAs, PTOs), school programs, and/or school board meetings. In addition, it forbids schools from retaliating against anyone who chooses to exercise their rights under Section 504.

### **Obtaining an Education under IDEA 2004 (20 U.S.C. §1400 et seq.)**

The following text describes the process that you will go through in obtaining a special education for your child with disabilities. It discusses your involvement at each stage and points out areas of possible difficulty. Procedures for handling disagreements with school officials are discussed in detail.

We suggest that you begin your involvement by developing a record-keeping system. You should make notes of every contact with school officials or other professionals who have been involved with your child. Record dates, places, topics discussed, and with whom. Keep copies of all written correspondence, and perhaps most importantly, keep a journal of your child's behavior, needs, strengths, and problems. All of this information will be helpful when crucial decisions must be made.

Be prepared to face obstacles, and when the time comes, don't hesitate to ask someone for help. Learn to present your position effectively, and recognize that through your efforts, attitudes will change.

## THE SPECIAL EDUCATION PROCESS

IDEA 2004 is divided into five parts, but the two you will use most often as you advocate for your child are Part A and Part B.

Within Part A, you will find:

- Section 1400, which contains the findings and purpose of the law; and
- Section 1401, which includes many important definitions such as free appropriate public education.

Within Part B, you will find:

- Section 1412, which includes many important topics such as child find, private schools, free and appropriate public education (FAPE), and assessments;
- Section 1413 contains information about what school districts are obligated to do, charter schools, early intervention, etc.
- Section 1414 is one of the most important parts as it covers evaluation and reevaluation, consent, eligibility, IEPs, and placement; and
- Section 1415 contains information about the procedural safeguards put in place to protect the rights of children with disabilities and their parents including, but not limited to, prior written notice, mediation, early complaint resolution, appeals, and discipline.

Part C contains the requirements for services for infants and toddlers during their first three years of life and will briefly be described below.

### Preschool-Aged Children

Under Part C of IDEA, children with disabilities are able to be served from birth on. In this state, they are given Early Intervention service from birth through their third birthday by an agency called Babies Can't Wait. You can access these services for a child by contacting your county health department.

Once the referral is made, your child will be evaluated in his/ her areas of need. This evaluation information will be shared with you and an Individual Family Service Plan of IFSP will be developed for the child. Congress made some similar and significant changes in the policy and funding section of Part C when it reauthorized IDEA in 2004. Congress recognized that significant brain development occurs prior to age 3. In Part C, Congress seeks to reduce educational costs by providing services to infants and toddlers rather than beginning with school age

children. In addition, its intent to maximize the potential for these young children so that they will someday live independently is clearly stated. In addition, the requirements that highly qualified staff provide services that are based on scientific research are carried through Part C as well as Part B.

In transitioning from Part C to Part B, an IEP must be developed and implemented by a child's third birthday. When that birthday occurs during the summer, the IFSP team should initiate the transition process with the school system 90 days prior to the child's birthday. The new IEP should specify what services are to be given to the child, beginning at age three, including Extended School Year (ESY) services if necessary. If it is determined by the team that ESY services are not needed, the date that services are to begin may be the first day of the next (or upcoming) school year. While the regulations that implement Part B of IDEA 2004 were published in 2006, the ones for Part C are not yet available. They are expected to be published later in 2008.

### **Child Find or Identification and Referral**

IDEA requires that **all** children living in a state who have disabilities that cause them to need special education and related services be identified, located, and evaluated. This requirement includes homeless children, children in state custody, and those in jail, or attending private schools. Your first contact with the school system may come about with the "identification" of your child as a child with unique needs. Identification is actually the process of bringing your child to the attention of the school system and alerting them that s/he may need some extra assistance. The child with a disability need not be classified by disability through this process, but merely reported as a child with a disability in need of individualized instruction and/or related services. You may refer your child yourself, or routine screening programs conducted by the school, such as hearing or speech evaluations, may indicate a need for referral. Teachers, community agencies and physicians are other sources that may identify areas of development which require special supports. In Georgia, there are Child Find/Child Serve programs through the Georgia Learning Resource System Centers (GLRS) which may also identify your child as needing specialized services.

### **Evaluation**

Once your child has been identified, an initial evaluation will be requested to determine the child's needs. In order for the evaluation process to begin, the parent must give informed written consent to the process. You should give written

Education/16

consent only after you have been fully informed about what will be done. The consent document that you sign should contain the information about the testing that will be conducted and/or list specific records you are releasing and to whom. Your consent is voluntary and may be withdrawn or revoked at any time. This consent is for evaluation only - not for placement. Formerly, you were only asked to give consent for your child's initial evaluation, but you will now be asked for permission each time your child is evaluated. **You must remember that a test is only a snapshot or a reflection of what your child was able to do on one particular day, on one particular test instrument for that particular examiner.** Tests generally can be used to show areas of interest, strength or weakness, **but no single test should be used to determine your child's future or lifelong fate.** The initial evaluation must consist of procedures to determine whether a child has a disability and to determine the resultant educational needs of such child. Federal regulations now encourage more parental input by requiring that parents be included as members of the group which reviews existing information about a child and determines if additional data is needed. It is acceptable to agree to parts of an evaluation. If that is the case, or in any event, you may mark on the form, cross sections out, etc. to meet your child's specific needs.

It is recommended that you immediately request a photocopy of any consent forms which you sign, and keep it with your records. If you do not give your consent and if the school system still believes that it is in your child's best interest to be evaluated for placement in a special program, they must notify you of their intention to request a hearing to get the evaluation ordered by an ALJ. They must explain what kinds of tests will be given, what experts will be consulted, and what type of services they anticipate your child will need. The school officials must also explain why they think the evaluation is necessary and indicate what behavior or existing information (school records, tests, etc.) they have to support their opinion. With or without your permission, you can play a vital role in the evaluation process. Prepare your own written evaluation of your child's strengths, abilities, and interests, as well as the areas that you feel may need special attention. Be sure you indicate how you would build on your child's strengths, and describe the situations in which learning seems best.

As you become more familiar with the process of educating a child with special needs, you need to learn about testing and the evaluation process. The evaluation process is frightening for most parents of children with special needs. They know that their child's areas of weakness will be exposed for all the world to see. Testing can be used, however, in a positive way, to measure your child's progress, or a lack thereof, and can cause consequent changes in the IEP to help

Education/17

him/her to learn better. It can also be helpful in understanding the exact nature of your child's disability and how that affects his/her ability to learn.

Evaluation may be completed in each of the following areas:

- A. Cognitive abilities (IQ)
- B. Academic achievement
- C. Speech/language skills
- D. Social skills
- E. Behavior
- F. Motor skills
- G. Sensory abilities
- H. Transitional Needs/Vocational or Pre-vocational skills
- I. Adaptive behavior
- J. Assistive Technology Needs
- K. Development

When a child is being evaluated the school district must use "a variety of assessment tools and strategies together to obtain relevant functional, developmental, and academic information, including information from the parent. Evaluation must be completed before changes can be made in eligibility except in a few specific circumstances like graduating with a regular diploma. A single test or assessment is not sufficient to determine a child's disability or needs. Evaluators must use instruments which are technically sound. Some of the areas in which your child may be evaluated and the various instruments which may be used are described below.

## A. Cognitive Abilities

This testing may also be referred to as psychological or psychoeducational testing. These tests are to be administered only by a psychologist or a psychometrist. Tests that are frequently used are:

1. Woodcock-Johnson ® III NU Tests of Cognitive Abilities (W-J III)
2. Differential Ability Scales – 2<sup>nd</sup> Edition (DAS-2)
3. Weschler Intelligence Scale for Children-IV (WISC-4)
4. Weschler Preschool and Primary Scale of Intelligence – 3<sup>rd</sup> Edition (WPPSI-III)
5. Test of Nonverbal Intelligence – 3<sup>rd</sup> Edition (TONI – 3)
6. Comprehensive Test of Nonverbal Intelligence (CTONI)
7. Kaufman Assessment Battery for Children, 2<sup>nd</sup> Edition (KABC-II)
8. Kaufman Brief Intelligence Test, 2<sup>nd</sup> Edition (KBIT-2)
9. Stanford-Binet V (SB:5)

## B. Academic Achievement

Achievement tests are designed to measure a student’s abilities in different academic areas. Some of these tests only measure basic skills, while others are very complex and can help identify discrete areas of learning difficulties.

1. Wide Range Achievement Test-4 (WRAT-4)
2. Peabody Individual Achievement Test, Revised – Normative Update (PIAT-R/NU)
3. Brigance – this instrument has now been expanded into a “system” of assessment devices listed below:
  - a. Early Childhood Screenings identify children who may have learning delays, disabilities, or giftedness.
    - a.i. Infant and Toddler Screen for children from birth to 23 months.
    - a.ii. Early Preschool Screen-II for children ages 2 through 2 ½
    - a.iii. Preschool Screen-II for children ages 3 through 4
    - a.iv. K & 1 Screen-II for children in kindergarten and first grade
  - b. Ongoing Assessment – this tool identifies present levels of performance with basic skills instruction.
  - c. Inventory of Early Development-II – for children from birth through the developmental age of 7
  - d. Comprehensive Inventory of Basic Skills – Revised (CIBS-R) for children in grades pre-K through 9
  - e. Employability Skills Inventory for students in secondary special education, vocational education adult education, and English as a Second Language programs (ESL or ESOL)
  - f. Life Skills Inventory for students in the same programs listed above

- g. Inventory of Essential Skills Remedial – for students in 6<sup>th</sup> grade through adulthood
  - h. Assessment of Basic Skills – Revised – which also has a Spanish edition and is for students in grades pre-K through 9
4. Kaufman Test of Educational Achievement – 2<sup>nd</sup> Edition (KTEA2)
  5. The Key Math 3 Diagnostic Assessment (Key Math 3 DA)
  6. Woodcock-Johnson III ® Normative Update (W-J III) – has both cognitive and achievement tests. These two batteries, when given together, provide a comprehensive system for measuring general intellectual ability, specific cognitive abilities, scholastic ability, and academic achievement.

### C. Speech/Language

Evaluation in this area should include the child's skills in speech, sound production and overall language skills. Language is very complex and can be broken down into the following areas: pragmatics, semantics, receptive, expressive, concrete v. abstract language processing, grammar, sentence length and structure, meaning and vocabulary, literal v. figurative, auditory processing skills, as well as language skills affecting graphic and reading abilities. Some examples of speech and language tests are:

1. Comprehensive Assessment of Spoken Language (CASL) – for children ages 3 and up
2. Test of Pragmatic Language – 2<sup>nd</sup> Edition (TOPL-2)
3. Test of Written Language - III (TOWL-III)
4. Goldman-Fristoe Test of Articulation 2
5. Peabody Picture Vocabulary Test – 4 (PPVT - 4)
6. Test of Language Development – Primary – 3<sup>rd</sup> Edition (TOLD – P:3)
7. Porch Index of Communicative Ability (PICA) – used primarily for assessment of adults with brain injury
8. Clinical Evaluation of Language Functioning -4 (CELF -4)
9. Clinical Evaluation of Language Functioning – Spanish

### D. Social Skills

1. The Awareness of Social Inference Test (TASIT) – provides a systematic examination of social perception for students with varying disabilities including autism, learning disabilities, schizophrenia, and traumatic brain injury.
2. Pragmatic Language Skills Inventory (PLSI) – a reporting device for teachers to complete that focuses on social skills in the classroom, small group, and one on one.

Education/20



3. Walker-McConnell Scale of Social Competence and School Adjustment – comes in elementary and adolescent versions.

#### E. Emotional Condition and Behavior

1. Burks Behavior Rating Scales 2<sup>nd</sup> Edition (BBRS-2) is described as “a quick, practical and proven way to evaluate problem behavior in school children.”
2. Minnesota Multi-phasic Personality Inventory for Adolescents (MMPI-A) provides for a good assessment of a variety of emotional and clinical difficulties but requires that the student read well.
3. Behavior Assessment System for Children 2<sup>nd</sup> Edition (BASC-2) – this test has various instruments that can be used for children ranging in age from 2 – 21 and contains teacher, parent, and self report devices.
4. Conners’ Rating Scales – Revised (RCRS-R) – uses observer and self-report ratings to assess a variety of disorders in children and adolescents.
5. Achenbach System of Empirically Based Assessment (ASEBA) has good empirical support but can be difficult to administer.

#### F. Motor Skills

Motor skills can be assessed in three different ways – caregiver reports, direct observation, and direct assessment by an occupational or physical therapist.

Some tests for motor skills are:

1. Bayley Scales of Infant Development
2. Bender Visual-Motor Gestalt Test – II

#### G. Sensory Abilities

Before any testing is completed, it is important to discover if a child’s learning ability is impacted by either vision or hearing difficulties. Typically, therefore, audiological and/or ophthalmological or optometric testing will be done, especially if the child has failed routine vision or hearing screenings.

#### H. Transition Needs, Vocational or Pre-vocational Skills

There are a variety of assessment tools which may be used to look at a student’s skills, interests, level of education, work values, temperament, physical stamina, and strengths and weaknesses related to work.

## I. Adaptive Behavior

Vineland Adaptive Behavior Scales (VABS) – this tool looks at 3 areas of functional ability – communication, daily living, and socialization.

## J. Assistive Technology Needs

There are various kits available to assess a student's need for technology that include checklists, assessments, observation of need, and trials of novel technology. Tools for Life and GPAT are good resources for this.

## K. Developmental Testing

1. Bayley Scales of Infant and Toddler Development, 3<sup>rd</sup> Edition
2. Battelle Developmental Inventory, 2<sup>nd</sup> Edition (BDI-2)
3. Assessment of Basic Language and Learning Skills – Revised (ABLLS-R) – a device for assessing skills in children with language and learning delays. The results of this assessment are commonly used to develop behaviorally based learning programs for children on the autism spectrum.

If parental permission is requested for testing, it can be assumed that school personnel have some concerns. Before giving permission for testing, do not hesitate to ask the purpose of the testing and how the resulting information is to be used. Make sure that the person conducting the evaluation is qualified; for example, the diagnosis of a "hearing loss" should only be made by an audiologist or speech pathologist, not a teacher or principal. The person conducting the evaluation should be available to answer your questions, and must provide you with a copy of the written evaluation report at your request. Do not hesitate to ask to see the actual test materials, pictures, or books used to assess your child. You may also ask to be present during the evaluation or to observe from another room. Ask the evaluator to explain the strengths and limitations of the tests being used. Offer your comments and observations to help the evaluator get a more complete picture. All evaluation reports should include strengths, aptitudes, and abilities. Good evaluation reports will also describe ways in which strengths and abilities can be used and developed. Find out how the outcome of each evaluation will affect your child's education.

The evaluations and establishment of eligibility must be completed within sixty calendar days from the date you sign the consent form. You should ask for copies of the evaluation reports when they are completed for your records and

Education/22

you may request that errors be corrected if you find them. You may also request meetings with any and all persons who have evaluated your child so that the results can be explained to you privately.

### **Reevaluation Requirements**

- You must give written, informed consent;
- It is not to be completed more than one time per year unless parent and school agree to do it more frequently;
- Must be done at least every three years unless the parent and school agree that it is unnecessary;
- Must be done if the child's needs change, or if the parent or one of the child's teachers requests it.

If the IEP team, including the child's parent, agrees that no additional evaluative information is needed to determine eligibility or educational needs, the school must notify the child's parents of:

- this decision and their rationale;
- their right to request additional assessment; and
- the fact that no assessments will be done at that time unless requested by the parent.

After the school system has completed its evaluation(s) of your child, you may disagree or be unsure if the results are accurate. You have the right to request an independent educational evaluation (referred to as an IEE) at school district expense. You should make your request in writing. It is not necessary to list the reasons why you think the district's evaluation is inaccurate. The school district must then give you information about who can do such evaluations. They must also provide you with all of the criteria necessary to obtain such an evaluation. The evaluator must have certain qualifications and not be employed by the school district.

Once you make the request for an IEE, the school district must, without unnecessary delay;

- ensure that the evaluation is performed, or
- request a due process hearing in an effort to prove its evaluation is appropriate.

If an Administrative Law Judge (ALJ) finds in favor of the school district at the conclusion of the hearing, you still have a right to an independent evaluation, but

not at the school district's expense. Your attorney, physician, advocate, parent support group, or member of a list-serve may suggest resources for IEEs, or you may choose someone from the school district's list.

Any and all independent evaluations must be considered by the IEP team in making educational decisions for your child. One additional suggestion is to tell whoever is evaluating your child about any concerns or disabilities you may suspect your child is having. This will allow the evaluator to better select the assessment instruments used.

The following is a sample letter requesting an independent educational evaluation:

LETTER REQUESTING AN INDEPENDENT EVALUATION

(Be sure to keep a copy for your records)

Date

Parent Name

Parent Address

Name of Special Education Director

Address

Dear Name of Special Education Director:

I am the parent of (name of child). I do not feel that the school's assessment of my child is appropriate.

Please tell me, in writing, the criteria under which an independent evaluation must be conducted so that it meets the criteria the school uses in its assessment process. Also, please indicate to me, in writing, where I may obtain some possible sources to do an independent evaluation for my child.

I understand that the school must pay for an independent assessment unless it can prove in a due process hearing that its assessment was appropriate. Please indicate to me, also in writing, how the billing of this evaluation is to be handled by the school system.

I will sign a release giving permission for the school district to communicate with the independent evaluator and will make certain that you receive the completed evaluation report. I understand that the results must be considered in making future decisions regarding my child's education.

Thank you for helping in this matter. I look forward to receiving your written response within 10 business days.

Sincerely,

(your name)

Education/25

Evaluations or assessments should provide you with ideas for services and assistance needed by your child. Remember that any evaluation which is done will contain the biases of the evaluator and his/her past experiences will influence his/her recommendations. Additionally, the process of formal evaluation, even when independently done, may not be to your advantage. A second negative evaluation may be less useful than persuasively presenting your own observations of your child, which can include videotapes, oral or written reports from other people, etc. You are the person who knows your child best.

#### SOURCES OF ADDITIONAL INFORMATION

The Georgia Department of Education (Ga DOE) provides on their website at [www.doe.k12.ga.us](http://www.doe.k12.ga.us) all of the special education rules, recommended forms, and lots of useful information which helps to explain the educational system in Georgia.

The Georgia Learning Resource System (GLRS) is a network of 17 centers located in all parts of the state that provides training and resources at no cost to educators and parents of children with disabilities. In addition, they provide online discussion groups for parents and work closely with the parent mentor program. Additional information can be found at:

State Coordinator, GLRS  
Division for Exceptional Students  
Office of Instructional Services  
State Department of Education  
1866 Twin Towers East  
Atlanta, Georgia 30334  
(404) 657-9956      [www.glrs.org](http://www.glrs.org)

#### Georgia Project for Assistive Technology (GPAT)

GPAT provides a variety of assistive technology, training, and technical supports to schools in Georgia, staff, students, and their families. Funded as a project through the GA DOE's Division for Exceptional Students, "GPAT's mission is to develop and enhance local expertise in assistive technology to ensure that students with disabilities have access to the assistive technology devices and services that they need in order to participate, progress, and achieve in their educational program."

The following services are available:

- On-site technical assistance
- Follow-up services

Education/26

- Short-term equipment loans
- Regional in-service workshops
- Distance learning workshop
- Educational Technology Training Center workshops
- Summer institute
- Reference library
- Information dissemination
- Service coordination
- Comprehensive database of resources

GPAT's staff provides assistive technology services to students and educators in local school systems across Georgia. These professionals work with personnel from local school systems as well as other agencies and organizations to enhance student access to assistive technology and to increase teacher knowledge of assistive technology.

A major goal of GPAT is to establish assistive technology teams in local school systems in Georgia.

These team members are responsible for developing and implementing intervention programs for students within their local systems. GPAT also works with special education directors to develop local assistive technology policies and procedures to enhance student access to technology.

GPAT staff provides training and technical assistance to these teams through a range of project activities.

Students with disabilities between the ages of three and 21 and local school system personnel who are responsible for providing assistive technology services to these students are eligible for services through GPAT.

Requests for on-site technical assistance and short-term equipment loans must be made by the local director of special education. All other requests may be made directly to GPAT.

For additional information contact GPAT at:

Gina Gelinas, Program Manager  
Georgia Project for Assistive Technology  
(404) 463-3597                      ggelinas@doek12.ga.us

Children's Healthcare of Atlanta, Emory Rehabilitation Center, Emory Autism Center, and other local hospitals or community agencies may also be sources for evaluations. The Department of Family and Children's Services (DFCS) provides Early and Periodic Screening, Diagnosis and Treatment Service (EPSDT) in conjunction with county health departments. To qualify for this service, your family must receive Medicaid benefits.

Any college or university should also be able to provide you with assistance in evaluating your child's needs. Many college professors who work in the field of special education can offer valuable support to you in your efforts, and will be pleased to be called upon by parents and community groups.

Remember, independent evaluations are often expensive if obtained from private evaluators; and it is always wise to ask if fees can be adjusted according to family income, billed to Medicaid, and/or billed to private insurance.

After any evaluation has been completed on your child, it is wise to read it over carefully several times checking at least once to make certain that the following information is accurately addressed.

### **EVALUATION CHECKLIST**

1. Check the date(s) the test(s) were given.
2. Check to see if factual information is correct, i.e. name, birth date, age, etc.
3. Check mathematical computation.
4. Check to see if a test was completed on the same day or if it was broken up into different segments and given on different dates.
5. Find out who administered the test.
6. Was it a screening or diagnostic test?
7. Was it given to a group or individually?
8. Can this test be used to determine intervention strategies or is its only purpose to provide a numerical score?
9. Was it a timed test?
10. Is the test age appropriate? Was it given in your child's native language, and is it discriminatory in any way? (Ex: Language-based test given to measure intelligence of non-verbal child.)

Education/28



Here are some questions which you may want to ask of the person who tested your child: - Did you observe my child in his/her classroom?

- What specific strengths and weaknesses are indicated by the test results?
- How does this information relate to the situation(s) which caused him/her to be referred for testing?
- What specific recommendations can you give to help support this student?
- Will you meet with my child's teacher and me to help plan an appropriate, integrated educational program?
- If I have questions in the future, how can I reach you?

### **Determination of Eligibility and Educational Need**

Once all of the testing has been completed and the parent has had an opportunity, if desired, to review the evaluation information, an eligibility meeting will be scheduled with a group of people made up of professionals qualified to review and explain the results to the parent. This team will decide together if the child is a child with a disability under the law and if s/he has educational needs due to his/her disability. Copies of all evaluation reports and the completed eligibility report are to be given to the parent.

Parents should bring any and all relevant information, including privately obtained evaluation reports, to an eligibility meeting to be considered by the team. Other than graduation with a regular diploma or aging out of school, other changes in a child's eligibility must be preceded by evaluation.

### **Response to Intervention (RTI) (20 U.S.C. § 1414(b)(6))**

When Congress reauthorized the law in 2004, they changed the way children with specific learning disabilities were identified. In the past schools could only find students eligible if they had a large discrepancy (20 points) between their IQ scores and achievement test scores. This left out many children who were struggling in school, but were a few points short of being served through special education. Now, instead of leaving them underserved and struggling, an additional step may be considered before establishing eligibility for special education. Congress now allows that the schools may use RTI to determine if the child will respond to a scientific, research based intervention as **part of**, not replacement for, the evaluation process.

### What is RTI?

- A multi-step process,
- for providing interventions and instruction,
- to students who are having increasing difficulty learning as it gets more abstract.

### Response to Intervention Plan

If RTI has been recommended for your child, you should participate in the development of, and receive a copy of a written intervention plan. This RTI plan should be explained to you so that you understand what will be done for your child, and should include the following parts:

- the name and a description of the intervention that will be provided;
- the length of time that the intervention will be provided (e.g. number of weeks, one grading period);
- the amount of time each day the intervention will be provided;
- the name of the person(s) who will be providing the intervention;
- the location where the child will receive the services;
- the definition of success for the specific child;
- a description of the curriculum based tests that will be used to measure progress;
- a schedule for measuring progress;
- a timetable for the issuance of progress reports to the parent.

The following are **not** considered to be scientifically proven interventions:

- reduction in the amount of work required;
- regularly scheduled parent/teacher conferences;
- preferential seating;
- extended time for work completion;
- suspension;
- extra homework;
- retention in the same grade.

### Necessary components of RTI

1. The student's progress in the regular curriculum is monitored using appropriate screening or assessment instruments.
2. Scientifically proven interventions will be chosen in an effort to address the student's learning problems.
3. Formal guidelines must be determined and consistently followed to measure a student's progress or response to the intervention.
4. The chosen intervention, such as curriculum strategies or methodology, is provided to the student accurately and consistently.

Education/30

5. Frequent (weekly, bi-weekly) curriculum based testing is done to determine whether the intervention is working.
6. During this process, the level of support a student needs should also be ascertained.
7. If, during the process, it is suspected that the student has a disability, the parents must be notified that their child is being referred for formal evaluation. Parental consent for evaluation will be requested.

## INDIVIDUALIZED EDUCATION PLAN (IEP)

### **The IEP Committee Meeting**

The next step, after all of the evaluations have been completed, and eligibility is determined, is the development of your child's IEP (Individualized Education Plan) by the IEP committee. Your child will already have been "identified, referred and evaluated". This is the most important meeting you will have in relation to your child's educational needs. No child should be placed in special education until this meeting has been held.

During the meeting, you and the education personnel will **jointly** make decisions about your child's educational program and placement. A written document (the IEP) will be the result. Remember, you as a parent have an **equal** role in this process. Also, there are many children who can and should be a vital part of their IEP process. Children can contribute to their educational planning and often can give valuable information regarding their needs. You are encouraged to consider your child as a member of the IEP team.

Frequently, parents voice frustration after attending an IEP meeting. They often say that they felt outnumbered, intimidated, or confused. They say that the professionals developed the IEP and gave it to them to sign. Here are some ways to reduce this feeling of frustration and become a contributing member of the team.

Prepare yourself prior to the IEP meeting so that you can be an informed and knowledgeable participant. Review all records and information you may have regarding your child so that you will be prepared to have input into the process. All school records on your child are available for your review on your request. This would be an appropriate time to write down information on the following topics:

- your child's abilities, interests, performance, and history;
- recent progress or regression;
- skills that have been learned at home;
- how tasks are accomplished;

- effective methods of interaction with others; and
- special information such as emergency phone numbers, types and dosages of medications, or any physical limitations;
- any AT devices which may assist your child in achieving progress;
- your concerns about your child's education.

Think about the goals you feel your child could achieve during this school year and make a **written list** before the meeting. This is an excellent opportunity to review your interests and concerns and formulate questions for the school system regarding its concerns or limitations.

Once you are prepared, you should call the Principal of your child's school or the Special Education Director of your local school system, or the designated person, to request that a meeting be scheduled for your child. If you do not know the appropriate person to contact, call your local Board of Education Office and they will be able to direct you to the correct person. If you have a history of difficulty in getting such meetings scheduled, it is recommended that you follow up that telephone call with an email or a certified letter. Understand that the school system may also call you in an effort to schedule a meeting for your child. Remember, they are to be scheduled at a mutually convenient time, and while they are typically held in school buildings, they can take place in a variety of settings, including your home, if necessary.

After a time and a place has been agreed upon, you will be sent a notification letter in a format which you can understand (i.e. Braille, a different language). This letter will confirm when and where the meeting will take place and should contain a list of the people whom the school system is inviting. While the school system does not need to invite their entire staff to your child's IEP meeting, they must include certain individuals. The school, for example, must have someone in attendance with the authority to commit the district's resources. They must also have someone there who is familiar with classroom instruction, and persons knowledgeable about the child and his/her evaluations and disability.

**Present yourself in a confident manner.** Do not wait to be called upon. Introduce yourself and give your reasons for being at the meeting. Then ask for introductions of every person present and their reasons for being at the meeting. If there are persons there who were not listed in your notification letter, and who you feel do not have a legitimate reason for being there, you may ask them to leave. On the other hand, you may also request that particular people be invited to the meeting. A sign-up sheet for names and titles is generally on one of the IEP forms, but if it is not, you should not hesitate to circulate one to verify the introductions for your records later. Do not

attempt to take notes yourself. Inform the group that you will be tape recording the meeting and proceed to do so.

**It is crucial to take someone to the meeting with you.** It may be a neighbor, an advocate, a grandparent, a babysitter, an independent evaluator, an attorney, or any person who may have knowledge of your child or who can provide you with moral support. If you should become upset during the meeting, you should ask for a break or postponement, or choose to have someone speak for you. You may also choose to leave the room at any time during the meeting to confer privately with the person(s) who came with you. You may inquire as to where such a private place is or go outside. (Hint: Although it is not necessary to inform the school who you will be bringing with you to the meeting, it is courteous to let them know the number so that they can plan for a sufficiently large room, enough chairs, etc. Furthermore, it is recommended that you inform them if you are bringing an attorney. Many school districts have policies which will not allow them to meet with an attorney unless their board attorney is also present. If you do not notify them in advance that you are bringing an attorney you may have to cancel or reschedule your meeting.)

**Ask questions.** Since educators use many acronyms, initials and special terminology, you need to become comfortable in asking people to clarify or restate what they've said. Remember, however, that parents can also be guilty of assuming someone understands when they do not. A list of acronyms commonly used by special education personnel is included in the [Appendix](#). Add to this list as you hear new terms.

**Learn the meaning of the important terms.** As you become involved with the IEP meeting, you will quickly discover that there are many interpretations given to the terms appropriate, least restrictive, accessibility, etc. Some of the more commonly used definitions are listed below:

**Free** - To provide an equal educational opportunity to all children at public expense. All services provided at no cost to the non-disabled child are to be provided at no cost to the child with disabilities. For example, if free transportation is provided to the typical child, then free transportation must be provided for the child with disabilities. Clearly, under the laws such as IDEA and Section 504, schools must provide children with education at no cost to the parent.

**Appropriate** - The law merely gives a suggestion as to the definition of appropriate, in that the program offered must meet state education standards and conform to the individualized education program. Under the concept of comparability, a program is

not appropriate if the facility in which it occurs is less desirable than that made available to the non-disabled child, if the instructional personnel are inadequately trained, or if curricular materials are inadequate or substandard. Many segregated programs, when compared to those provided to non-disabled children, are not of equal quality or duration.

**Accessibility** - This term means much more than a ramp for a wheelchair. A child may be denied access to a program through bureaucratic delays, limitations on the length of the school year, disciplinary measures which exclude children, and failure to provide related services or supports that will enable the child to benefit from the program.

**Least Restrictive Environment** - What Congress has said about this in the text of IDEA 2004 is that, "To the maximum extent appropriate, children with disabilities, including children in public or private institutions, or other care facilities, are educated with children who are not disabled, and that **special classes, separate schooling, or other removal of disabled children from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.**" What this statement indicates is that children should be taught in the regular education environment with any needed supports and only if this option fails should they be placed in a separate special education class. Even then, the amount of time spent in such classes should be limited.

In reauthorizing IDEA in 2004 Congress included the strongest language used to date to clarify its high expectations for children with disabilities. In the findings section 20 U.S.C. § 1400 (c), Congress states the following: "... (1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities ..."

Congress went on to say that "... 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children" and stated that children with disabilities should be educated in the regular classroom so that they can "meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children and be prepared to lead productive and independent adult lives ..."

Education/34

The definition of a free and appropriate public education (FAPE) was expanded to include “special education and related services designed to meet their unique needs and prepare them for further education, employment, and independence.”

Encourage the professionals to focus on your child as a person, not as a “label.” If everyone considers the individual child, the IEP will stand a better chance of achieving its purpose. You, as a parent, must prevent eligibility category, or labeling, from dictating the kind of services your child will receive or the place in which they will be received. Instead of letting your child be referred to as a “Downs,” a “MOID, etc., always insist that your child be referred to by name. Regardless of the label used by the school system to make your child eligible for special education services, require that s/he be given opportunities to participate in a wide range of activities, including extracurricular activities with non-labeled peers.

The IEP process can be summed up in the following way.

1. What are this child’s specific learning needs or unique characteristics that must be considered in an individualized educational program?
2. What will the school system do or provide to address the outlined needs?
3. If the child’s needs are met, how will we measure and report progress?

After the assessments are finished, it should be easy to identify the learning weaknesses and necessary research based methodologies, strategies and supports for the child to progress in the general curriculum.

Review your child's IEP. Use the following checklist to determine that all required elements are included in your child's individualized education plan.

### **Information to Be Included in Your Child's IEP**

#### 1. Present Levels of Performance

A description of your child's Present Levels of Performance should describe the child’s individual needs that result from his/her disability. It may include the following information:

- review of previous IEP;
- current assessment scores;

- results from most recent statewide or countywide tests;
- portfolio data;
- strengths and weaknesses;
- how the student's performance affects his/her involvement and progress in the general curriculum;
- effective positive behavioral interventions;
- effective strategies and supports that have been used;
- cognitive / academic / play skills;
- social / emotional skills;
- written expression, oral expression, and listening comprehension;
- communication;
- motor skills;
- vocational / career skills;
- self help / daily living skills;
- significant physical and/or medical considerations;
- vision acuity level and visual exam date;
- special considerations
  - ★ need for a Behavior Intervention Plan (BIP), if behavior impedes learning
  - ★ level of English proficiency
  - ★ communication needs if deaf or hard of hearing
  - ★ need for Braille if blind or visually impaired
  - ★ program modifications or supports need for school personnel
  - ★ supplementary aids and services needed by the student
  - ★ transfer of rights at age 18
  - ★ need for assistive technology
  - ★ parent concerns

## 2. Measurable Annual Goals

Annual goals must be objective and measurable. They must address the child's present levels of academic achievement and functional performance. They include a reasonable estimation of the child's expected educational progress by the end of the school year. A goal should be listed for each specific area of need to be included on the IEP and must include measurable academic and functional goals that contain the following:

- statement of the skill to be taught;
- the level of skill mastery being worked toward;
- the name of the professional who is primarily responsible for teaching the skill;

Education/36



- the dates when your child's progress toward mastery will be reviewed and reported which should be staggered and logical (i.e.: learn the first five letters of the alphabet by September and the last five by May).

### 3. Services to Be Provided

Under the federal and state special education regulations, a variety of services must be made available if needed by your child. These related services can include but are not limited to the following:

- adaptive physical education;
- audiology services;
- counseling;
- interpreting services;
- occupational therapy;
- orientation and mobility services;
- parent counseling and training;
- physical therapy;
- psychological services;
- recreation;
- rehabilitation counseling;
- school health services;
- school nurse services
- school social work services;
- speech/language therapy;
- therapeutic recreation;
- transportation;
- vocational placement services, etc.

On the IEP, the following information concerning these services should appear:

- name of special service or material;
- name of person who will provide the service, and necessary training;
- objective of the service;
- date upon which service will begin;
- date of review;
- number of hours per week (month) the service is to be provided;
- the setting in which the service is to be provided.

If a particular service is needed by your child, but is not currently available in your school district, it should be listed on the IEP. Ask the committee to specify

Education/37

when the service will be provided and what will be done in the meantime. This information may allow the school district to request funds for services from the GA DOE.

#### 4. Participation in the Regular Education Program

Each child in special education should be educated to varying degrees with typical classmates. This contact may take a variety of forms, e.g., participation in regular education or collaborative classes, physical education, art, music, extracurricular activities, peer tutoring, lunch, recess, etc. Once the activities have been determined, the IEP should note when, how often, and in what settings these activities will occur, as well as additional staff or support if needed. Schools are obligated to educate children with disabilities with typical children “to the maximum extent appropriate.” IEPs must be made available to regular or general education teachers. It is also the duty of the school system to make sure the teachers understand what modifications are required for the students with disabilities.

#### 5. Transition Plans

Vocational education for the student with disabilities is now mandated by federal law if it is a desired component of that student's program. By the time a student reaches age 16, his/her IEP must include a statement of the "transition services" which are to be provided to that student. These are the services necessary to help create a smooth transition for the student from school to post-school activities and can include but are not limited to instruction, community experiences, development of employment and other post-school living objectives, daily living skills, and functional vocational education. The transition plan must be updated every year and must include appropriate and measurable goals which are developed based on assessment. It should include training, education, employment, independent living, and the services needed to reach the goals.

Transition services are a required part of the IEP which is designed to facilitate a student's movement from high school to post-secondary education or employment. Transition services are defined by statute as:

- a results oriented process;
- focused on improving the academic and functional achievement of the student with a disability;

Education/38

- a plan to facilitate the student's movement from school to post-school activities including but not limited to:
  - post-secondary education;
  - vocational training;
  - integrated employment, including supported employment;
  - continuing and adult education;
  - adult services;
  - independent living;
  - community participation.

This set of activities should be based on the individual student's needs as assessed while also taking into account the student's interests, preferences and aptitudes. The listed activities are to include:

- instruction;
- related services;
- community experiences;
- the development of employment and other post-school adult living objectives; and when appropriate,
- the acquisition of daily living skills, and
- functional vocational evaluation.

The IEP team must develop a transition plan for each student by the time a student turns 16 and the planning is frequently begun as early as age 14. The plan is to contain, where appropriate, a statement of the interagency responsibilities or linkages, or both before the student leaves school. This statement on the IEP which delineates the responsibilities of the various agencies is also to include a commitment by any participating agency to meet its financial responsibility in providing its portion of the transition services.

The responsibilities of the local school system regarding transition include the following:

- the administration of evaluations which identify the student's transition needs;
- the provision of transition services;
- the development of a transition plan;
- seeking services from other relevant agencies;
- the determination as to whether transition services are meeting the IEP objectives, or not;

- reconvening the IEP team to develop alternatives if one of the agencies is not performing;
- informing potentially eligible students and their parents about the SSI program and other relevant programs, including work incentives;
- informing students currently receiving SSI that they will have to reapply at age 18;
- assisting students and parents in applying for and keeping SSI benefits by helping to gather appropriate information and documentation which the process requires.

## 6. Extended Education

At present, many school systems in Georgia are graduating students at age 18, regardless of need. Many students may need additional education beyond the traditional high school years. Federal and state laws and regulations allow for students in special education to go to school through the age of 21. It is the responsibility of the IEP committee to identify individual needs (which can include vocational training) and provide for such needs through the educational system. This is typically done through a transition plan which must be in place by the student's 16th birthday, but can be done earlier if necessitated by the student's needs.

## 7. Extended School Year Services

Like any other service, if you think that your child needs to be served more than the typical 180 school days in order to progress or prevent severe regression, this must be discussed and documented as part of the IEP. This service is referred to as an extended school year (ESY). ESY services must be discussed early enough so that if you and the school system disagree, you may pursue the various remedies discussed in a later section entitled RESOLVING DISAGREEMENTS.

Several factors may be considered when evaluating a student's need for special education and related services in excess of 180 days. They include but are not limited to the following:

- the nature and severity of the disabling condition;
- the amount of regression caused by breaks from school;
- the rate of recovery or recoupment following breaks from school;
- the ability of the child's parent(s) to provide education or therapy privately or at home;

Education/40

- alternative resources;
- if the student is on the verge of mastering a new skill or skills.

#### 8. Discipline - Behavior Intervention Plan (BIP)

You should include discussion about potential behavior problems and how they are to be addressed at your child's IEP meeting. If your child has a fully developed behavior intervention plan (BIP) or is in need of one, it can be discussed as part of his/her IEP. It should be physically attached to the IEP document itself and everyone who works with your child should become familiar with it so that the child can be dealt with in a consistent fashion. IDEA explicitly states that FAPE is to continue to be provided to all eligible children with disabilities who have been suspended for more than 10 days or expelled from school.

If your child has been expelled or suspended, IDEA 2004 requires school systems to provide a FAPE or full educational program, so that the child can continue to participate in the general education curriculum and to progress toward meeting IEP goals.

Regardless of the fact that it is required by the law, it should be clearly stated in your child's IEP that behavior problems will be reviewed by the IEP committee before any change in placement occurs. A suspension or series of suspensions, or an expulsion lasting more than 10 consecutive days, or cumulatively, is considered a change in placement and requires a meeting to determine if the misconduct was caused by the student's disability. This procedure is commonly called a manifestation determination, but can also be called a relationship or nexus test. This meeting must be held within 10 days after the decision is made to discipline a student.

A Manifestation Determination is made through a three step process.

- 1) Review of Pertinent Information including, but not limited to, educational evaluations, observations by school staff and/or parents, IEP, current placement needs of the student.
- 2) Disability Related Questions.
  - Were the IEP and placement appropriate?
  - Was the IEP being implemented consistently?
  - Were the necessary educational supplementary aides and behavior intervention services being provided?

Education/41

- Does the child's disability prevent him or her from understanding the consequences of the behavior in question?
- Did the child's disability prevent him or her from controlling the behavior?

3) The results of this inquiry can determine if a student's behavior is or is not related to the disability. If the behavior IS NOT related to the disability, the student may be held accountable for his/her actions as long as FAPE is provided. If the behavior IS related to the disability, and if the current placement and IEP are not meeting the student's needs, additional evaluation and amendments to the IEP may be required.

If your child with a disability is suspended or disciplined in public school:

A parent may request in writing a positive Behavior Intervention Plan (BIP). A BIP may be requested if the disability includes behavior, when behavior interferes with the child's learning or that of others, or when the parent feels that the behavior isn't appropriately addressed by the IEP.

Before writing a new behavioral plan, the school district is required to conduct a Functional Behavioral Assessment (FBA). It should be conducted by a person who is knowledgeable and experienced and not teaching a class at the same time. The assessment should:

- Recognize and define the problematic behavior. The description should be detailed;
- Include information obtained from a variety of sources including observation, interview, records, and standardized tools;
- Contain analysis of events which took place before and after the problematic behavior occurred;
- Determine the purpose of the behavior. Was it an attempt to:
  - get something;
  - avoid something or someone;
  - control something?
- Figure out the behavior in relation to the specific event and any factors which can be changed;
- Change a variety of factors to see if the behavior changes. (Ex.: Change a student's seat from the back to the front of the room.)

When the assessment and analysis are completed, the IEP committee should meet to use the information gathered through the FBA process to develop a positive behavior plan. A psychologist or behavior specialist can be very helpful in

Education/42

assisting in the development of the plan. Training should also then be given to teachers, parents, and other staff, if needed, in order to implement the behavioral plan.

#### 9. Retention, Promotion, Standardized Tests

These topics need to be discussed thoroughly during the course of the IEP meeting. Typically, when a child has an IEP, they are promoted to the next grade upon achieving mastery of a majority of their goals. It can be decided to do it another way and may occasionally be advisable. It should also be decided by the committee whether or not the student should take standardized tests. Some factors to be considered include: What is to be gained by having the student take the test? Will the testing experience be beneficial or merely frustrating? Most importantly, what modifications can be made in the standard testing procedure which will help this student to be more successful? Some common examples include: additional time; separate setting; use of a computer or calculator. Taking standardized tests at the same time as his/her child's classmates can help a parent to see if the child is progressing as expected.

The child's IEP must include a description of the "appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child," instead of a list of modifications to be made during the administration of standardized tests. If the IEP team recommends the child take an alternative assessment, they must explain why the child cannot participate in the regular assessment and why the alternative is appropriate.

#### 10. Educational Setting (Placement)

Once the IEP committee has decided on the type of goals and services needed, a decision also needs to be made as to the setting in which your child's needs can best be met.

You should become familiar with the following options for placement which are listed in order of increasing restrictiveness.

- a. General Education Classroom with Supplementary Aids and Services - Assistive technology is defined broadly as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. Assistive technology (AT) must be considered for each child when developing an IEP. To determine needs, an AT assessment should be done

which looks at the child's skills, communication, likes and dislikes. The assessment should take place in the child's customary environments. Once it is agreed that the child can benefit from technology, the design, selection, maintenance, repair, and replacement of the device(s) should be considered by the IEP team. Training for the child, family, teachers, and service providers, must also be addressed in the IEP.

- b. Classroom Aide (Paraprofessional) - a person available to assist your child to participate in the general education classroom, the special education classroom, or both.
- c. Itinerant Teacher - the child may spend between two and four periods each week receiving specific support from a teacher who travels to different schools and who works in special areas of need such as speech, physical therapy, occupational therapy, etc. This person can provide their support or instruction to the child in a variety of settings including his/her general education class.
- d. Team Taught or Co-Taught Classes – these are taught by both a special education and a regular education teacher.
- e. Resource Class - the student will spend a portion of the day in general education class and a portion of the day in a special education resource class. This is intended to supplement the education program in general education classes. A student may go to a resource class for assistance in one or more subject areas or the teacher may provide the required assistance in the general education classroom.
- f. Self-contained Class - the student will spend the majority (more than 3 periods) and possibly all of the school day within one class with other children with disabilities.
- g. Alternative Schools - most systems have established alternative schools to serve children who for varying reasons are not being appropriately supported in the mainstream of school. These programs are usually established to deal with discipline issues and provide programming for students in lieu of dismissal or expulsion. Students with disabilities are often suspended and expelled due to difficulties in coping with the educational setting and sometimes due to the frustrations of educators. If a student's behavior is a result of his/her disability, it cannot be used as a reason to suspend the child without an IEP meeting first. Every student has the right to a hearing or tribunal if expulsion is being



considered. You need to become familiar with the policies in your school system which can be obtained from the local board of education, superintendent or school district's website. If, for some reason, an alternative school is recommended, your local school system is responsible for funding your child's education. They also remain responsible to provide the special education and/or related services which are required by the student's IEP even after a child is suspended or expelled.

- h. Private Schools - occasionally, but not often, a school system may refer or place a child in a private school if the public school district is unable to meet the child's needs as outlined in his/her IEP.
- i. Charter Schools – must abide by federal special education laws and regulations as part of the public education system.
- j. Hospital/Homebound - on rare occasion, a student's health may force him/her to receive his/her educational services either at home or in a medical setting. In such a situation, itinerant teachers and/or other professionals go to where the child is, as often as is indicated by the IEP and work with the child there. This situation can be temporary, for example, while the child is recovering from surgery, or permanent.
- k. Residential - the child will spend 24 hours per day, five - seven days per week in residence. Children who are in institutions, nursing homes, or jail have the same rights to education as children living in the community. The local school system where the facility is located is likely to be responsible for the child's educational program and an IEP must be developed to meet the needs of the child. The program quality must be comparable to that provided in the community school system and can take place in a variety of settings such as in the institutional school or in the local public school.

#### 11. Medical Emergency Plan

Some children are medically fragile or have very specific needs, or protocols which must be followed in times of crisis. In these instances, a plan should be developed which contains the names and numbers of the family members, persons, physicians, etc. who need to be contacted, as well as the steps to be taken to ensure that the student is properly cared for. Any such document which is developed should also be attached to the IEP. It is often helpful to have the school nurse participate in the development of this part of the plan.

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Do not feel pressured to complete the IEP in one meeting. It may take longer, and you have the right to request as much additional time as is necessary. If the school system tells you that they have only allotted you a certain amount of time, for example, one hour, know that you do not have to finish in that amount of time. You may have as long as it takes to complete your child's IEP although the time may be broken up over a period of several days or even weeks.

If you agree with the IEP developed at the meeting, and with the placement of your child in a special education program, you may sign the IEP. The IEP then goes into effect as developed. You should ask for a copy of the IEP, and the minutes of the meeting before you leave that day. The school is required to review this plan at least once a year. You may, however, ask for a meeting to review your child's IEP at any time. Remember, your child should be removed from regular education **only** if his or her needs cannot be met in that setting with supports. You should evaluate the program being offered and your child's progress frequently.

The following may help you with organization before your meeting:

## IEP MEETING PREPARATION CHECKLIST FOR PARENTS

1. Obtain and study all school records including private assessments, medical records, etc.

\_\_\_\_\_ Prior IEPs  
\_\_\_\_\_ Progress notes, report cards, teacher's notes, class and homework samples, etc.

2. Make a list of your child's present level of functioning based on your observations and information.

\_\_\_\_\_ Academic skills  
\_\_\_\_\_ Developmental skills (if pre-academic)  
\_\_\_\_\_ Motor skills  
\_\_\_\_\_ Language skills  
\_\_\_\_\_ Emotional/behavior skills  
\_\_\_\_\_ Self-help skills  
\_\_\_\_\_ Transition, Pre-vocational & vocational skills  
\_\_\_\_\_ Social skills  
\_\_\_\_\_ Others

3. Make a list of goals you feel your child should have.
4. List related services, and assistive technology devices your child may need and include verification of need from professionals.
5. List special education services your child may need and research based methodologies that have been recommended.
6. You may tape the meeting.
7. List any training which may be necessary to familiarize staff with AT equipment which your child requires or behavioral issues your child may display.

## QUICK TIPS FOR IEP MEETINGS

1. Meetings must be scheduled at a mutually convenient time - that is - at a time when you can attend.
2. Enough time should be allowed so that you are able to participate fully and say what needs to be said. Meetings can last as many hours as necessary and if people must leave, you may either go on without them or schedule another session.
3. IEPs should not be completely written, or the forms filled out, prior to the meeting, and if they are, you may request that those forms simply be used as a guideline and new ones filled out with the participation of the entire IEP team. In the interest of time, it is acceptable to have the forms drafted as long as you are given ample opportunity for input and are allowed to change any item on the forms.
4. You may tape record the meeting.
5. You are entitled to have a copy of the IEP and the minutes but you may have to ask for them at the end of the meeting.
6. You may bring people and/or materials such as videotapes which support your position but it is advised that you inform the administrators first so that necessary preparations can be made and an appropriately sized room will be available.

### The Transfer of Rights from Parent to Student

IDEA 2004 and its implementing regulations provide that when a student reaches age 18 that all of his/her parent's rights under Part B of IDEA then transfer to the student. The student and his/her parents must begin to be notified at least one year prior to the student's 18th birthday.

Parents can be invited to IEP meetings after the student turns 18, either at the student's request or as persons who are knowledgeable about the student. A student can give his/her parent power of attorney to speak on his/her behalf in making educational decisions. This right can also be given to a student's legal guardian.

### RESOLVING DISAGREEMENTS

If you disagree with the program in whole or in part, you should not sign the IEP. As with the identification and evaluation processes, you again have the right to challenge school officials during the development of the IEP. You may feel that the program, as devised, will not meet your child's individual abilities or needs. You may feel that needed services are being denied, delayed, or provided in unnecessarily segregated settings. Your own interests in your child's education may not have been given sufficient consideration. In any case, there are several steps that you might take to resolve disagreements.

If you are uncomfortable about having your child return to school until your dispute can be resolved, you have some options. They include but are not limited to the following:

Home School - You may choose to educate your child at home. The requirements for doing this vary by county but include that the person providing the instruction must have a high school diploma or a GED. Your County Board of Education office or website will provide you with the necessary conditions and forms which must be completed. There are many curricula, programs and materials available as more and more families choose this option.

Georgia Virtual Academy (GVA) – began in July of 2007 and is a virtual charter school that is part of the public school program and currently enrolls students in grades K – 8, but plans to enroll high school students in the next few years. The

students are enrolled in a statewide attendance zone. The GVA uses the K-12 curriculum and the students must follow state rules and participate in state required assessments. There is a 60 to 1 teacher to student ratio and parents must often provide instruction or assistance for their child.

Georgia Virtual School (GAVS) – Fully accredited and part of the GA DOE Technology Services, this school offers high school courses to students throughout Georgia. GAVS:

- has a full high school curriculum including advanced placement and college prep courses;
- has a limited middle school curriculum;
- is free to all Georgia students who are enrolled in public school;
- has courses which are taught by certified, highly qualified Georgia teachers;
- has a tuition program for students who want to take extra courses or for those who have fallen behind.

Georgia Special Needs Scholarship Program – A program that went into effect on May 18, 2007 and was created by Senate Bill 10 (SB-10) during the 2007 legislative session. This is a program that provides scholarships for students with disabilities so that they can have additional choices in which school they can attend. They can use the funds to attend:

- a participating Georgia private school;
- a Georgia public school in another county or district that can meet the student's needs and has space;
- a Georgia state school for children who are deaf and/or blind;
- a public school in his/her county or school district that can meet his/her needs and has space.

Which students are eligible to apply for this program?

- The student must have been a Georgia resident for at least one year;
- The student must have attended a Georgia school for the previous year, with an IEP in grades K - 12;
- The student has been admitted to a private school on the state approved list.

In order to obtain more information a parent can visit the website at

<http://public.doe.k12.ga.us/sb10.aspx>

Private School - You may also choose to enroll your child in private school. The school system's responsibilities to these parentally placed children have changed a little under the new law.

Education/50

- If the local school district developed an IEP for the child and thereby offered to him/her a free appropriate public education in a timely manner, the school district is usually not responsible to pay for the cost of education, including special education and related services for that child.
- In order for parents to be reimbursed for the costs of the private education, an administrative law judge must find that the local school district did not make available to the child a FAPE in a timely manner prior to the child's enrollment.

In order to receive full reimbursement for a private placement through a due process hearing:

1. The parent must indicate their rejection of the IEP at the meeting, and
2. They must state their concerns, and
3. They must state their intent to enroll their child in a private school at public expense.

OR

4. Ten business days prior to the child's withdrawal, the parents must give written notice to the local school district of their intentions.
5. The parent must make their child available for appropriate and reasonable evaluation by the local school district.
6. The parents must act in a reasonable fashion.

The costs of reimbursement may not be reduced or denied for failure to provide such notice if:

- the parent cannot write in English;
- compliance is likely to result in physical or serious emotional harm to the child;
- the school prevented the parents from providing notice;
- the parents were unaware of the notice requirement.

Some additional safeguards that have been included in the law for students and their parents are described as follows:

Parents are to be given an opportunity:

- to examine all records relating to their child;
- to participate in meetings for their child regarding the identification, evaluation, and educational placement of their child;
- to obtain an independent educational evaluation of their child.

Parents are also to be given prior written notice whenever the school district proposes or refuses to make a change in the child's identification, evaluation, or educational placement. The written notice must contain the following:

- a description of the action the district is proposing or refusing;
- an explanation of the reasoning behind decisions;
- a list of the evaluations, records, or reports which form the basis of its decision;
- a list of resources for the parents to contact for help;
- a description of the alternatives which were considered and the reasons why they were rejected, including other information relevant to the decision made.

## RESOLVING DISAGREEMENTS WITH YOUR SCHOOL DISTRICT

### **Negotiation**

Negotiation, while not a separate step, is a process where people resolve their differences through discussion, presentation of additional information, and usually, compromising their position. Negotiation should begin whenever a disagreement is evident. To negotiate successfully, it is important to know exactly what you are willing and not willing to give up. It is important that this be kept in reserve and used only when necessary to achieve a compromise with which both you and the school are satisfied. If you feel that you lack sufficient information to further your position, you may ask that the IEP meeting be postponed and reconvened when you have additional information, evaluations or persons to assist you in presenting your points more successfully. Negotiation is likely to be the most effective means of resolving your disagreements and least likely to create resistance on the part of teachers or other school officials.

### **Formal Complaints**

If an issue has surfaced regarding your child's education, the easiest way to resolve it is to speak to, or meet with, the parties involved and thoroughly discuss it. Most often disagreements are the result of poor communication or a misunderstanding by one of the parties. If, however, you cannot resolve an issue, and you feel like your child is being harmed as a result, you may file a formal complaint with the GA DOE Division for Exceptional Students. Anyone may file a signed written complaint. There is a form on the GA DOE website ([www.doe.k12.ga.us](http://www.doe.k12.ga.us)) and a copy which may be reproduced is included in the

Education/52



Appendix at the end of this book. If you do not have the form, the following information must be included in order to have your complaint investigated:

- a statement that a school district has violated IDEA 2004 and/or the Georgia Rules for Special Education, and a description of what has happened;
- the facts upon which your complaint is based (it is also suggested that you attach copies of all written documentation that helps to substantiate or prove your claim);
- the signature and contact information for the person making the complaint;
- if the complaint involves a specific child, you must include the child's name, address, and school;
- if the child is homeless, any available contact information for the child;
- a proposed resolution to the problem to the extent known at the time the complaint is filed;
- the complaint must be about something that has occurred within the past year of the date on which the complaint is filed;
- the complaint can be faxed or mailed to:

Georgia Department of Education  
Division of Exceptional Students  
1870 Twin Towers East  
Atlanta, GA 30334

404-656-3963 (telephone)  
404-651-6457 (FAX)  
[www.gadoe.org](http://www.gadoe.org)

A copy of the complaint must be sent **at the same time** to the Superintendent or Special Education Director of the school district involved.

- DOE will send a letter to the named school district and request a written response from the school district within 10 business days. A copy of the letter and all correspondence will be sent to the party who filed the complaint.
- An opportunity to mediate the issues will be offered.
- If after receiving the school district's response the issues remain unresolved, the Division will conduct an investigation. Within 60 days, a written decision will be sent containing the Division's decision and the steps that must be taken to resolve the issues.

## **Mediation**

Mediation is one step in the due process procedure as established by federal and state laws and regulations. When there are disputed issues between parents and a school system, the system must afford the parents the opportunity to mediate or resolve their differences. Mediation differs from negotiation in that another person, a mediator, assists the two or more people involved in the dispute to reach a solution that is satisfactory to all sides and it is confidential.

There are several mediators available through the State Department of Education who will travel to all parts of Georgia at no cost to the parent. To request mediation you contact the Director of Special Education in your county by telephone, email, or letter. If you are not comfortable contacting your local Director of Special Education, you may contact the Legal Services Office of the Georgia Department of Education at 404-656-4689. A mediator will be assigned to your case and a date will be scheduled.

A mediator should always be an impartial person with no involvement or personal relationship with either side. Mediators do not make decisions and then order the parties to comply with it. Their primary function is to get the two sides to agree on at least some of the issues, preferably all. When you have participated in mediation, be sure that any agreement is written down and that both sides get a signed copy. The unresolved points of disagreement should also be reduced to writing.

Mediation generally takes place after a due process hearing has been requested but does not interfere with the 20-day period within which the hearing must be scheduled. After you have requested a due process hearing, you may still ask for mediation. Mediation can also be requested at any time that you and the school officials reach an impasse when it comes to your child's education. You do not have to have already requested a due process hearing before requesting this method of dispute resolution.

### **How to Prepare for Mediation**

Since your goal is reaching agreement with the other side, it is recommended that parents take some time prior to their scheduled mediation to prepare. Some of the following steps may prove helpful.

- A. Identify the issues with which you are dissatisfied.
- B. Study the laws or regulations, and/or consult with someone who is knowledgeable to see if your issues can be supported legally.
- C. Gather all of your supportive evidence as exemplified by evaluation reports, videotapes, etc. Parents have a right to examine all records related to their child before any meeting, mediation or hearing within 45 days of request.
- D. Decide what you will use to negotiate, versus your bottom line.

### **Due Process Hearings**

Due process hearing procedures were included in the law to provide an opportunity for parents and/or school personnel to present their position or complaints and receive a fair and impartial hearing before someone with specific knowledge and training.

In 1994, the Georgia General Assembly created a state agency called the Office of State Administrative Hearings (OSAH) and gave it the responsibility for conducting among others, the special education due process hearings. OSAH is administered by a Chief Administrative Law Judge and employs several full-time Administrative Law Judges (ALJs). OSAH conducts its hearings pursuant to the Georgia Administrative Procedure Act and OSAH's Rules for Administrative Hearings. More information about OSAH, including its rules, procedures, and forms can be found at <http://www.osah.ga.gov>

The way to initiate a hearing has changed dramatically as a result of the creation of OSAH. If a parent feels that they have no alternative but to take their school system to a hearing, they must notify their Superintendent after completing a hearing request form (found on GA DOE's website and in an appendix in the back of this book) of their desire for a hearing. A copy must also be sent to the GA DOE, Division for Exceptional Students, who in turn refers the situation to OSAH.

Hearing requests can no longer be made to OSAH directly by individuals, but must come instead through the pertinent state agency. The request or complaint must include the following information:

- name of the child;
- address of the child's residence;
- name of the school which the child is attending;

- a description of the issues in contention including facts relating to such problem;
- a proposed resolution of the problem to the extent known or available to parents at the time.

After receiving a request from a referring agency to conduct a hearing, OSAH sends out a notice of hearing to all parties. This usually happens within a few days or a week after the request is made. The notice must include the following information:

- The time, place and nature of the hearing;
- The legal authority for conducting the hearing;
- The specific laws and rules involved;
- A short and plain statement of the matters asserted by the parties;
- A statement of the parties' rights to be represented by legal counsel and to subpoena witnesses and documentary evidence; and
- A statement of the potential consequences of default.

At the end of the hearing, the ALJ will enter a written decision containing his/her findings of facts and conclusions. Typically, a written decision must be entered within 45 days from the date upon which the hearing was requested, but extensions can occur under certain circumstances.

It is also recommended that parents seek legal advice/representation before requesting a hearing and certainly before entering the court system.

### **Early Complaint Resolution (ECR)**

As you fill out the form requesting a due process hearing there are boxes for you to check indicating whether you want to participate in Early Complaint Resolution or Mediation or both. If both the parent and the school district agree, within 15 days, a meeting will be scheduled with the parent, a few knowledgeable members of the IEP team to be agreed to by both sides, and a representative of the school district who has decision making authority.

This voluntary process provides one more opportunity to resolve issues prior to beginning a hearing.

## Preparing for a Due Process Hearing

It is very important to be thoroughly prepared when you participate in a hearing which is very much like a trial. Your evidence should be organized to convince the Administrative Law Judge of your point of view. It is not effective to criticize the school's existing programs without having a clear idea of what your child needs. The following list may be helpful in your preparation:

1. Clarify the reasons why you feel that your child is not receiving a free, appropriate, public education.
2. Organize and review records of all written and telephone contacts with school officials.
3. Request from the school a copy of all your child's school records. You may be asked to pay the copying costs so it is best to review all records first and choose the ones you want copied. Some of the records may be in locations other than the local school.
4. Contact all persons or agencies that have provided services to your child and request copies of their records.
5. Contact persons who can testify or provide supportive evidence. While it is best if they agree to assist you, it is possible for them to be subpoenaed to attend by the ALJ. Prepare a written list of your witnesses and indicate whether they will need to be compelled to attend.
6. If the disagreement involves placement in a program you feel is inappropriate, make sure that you visit the program. If you have not seen the program and talked with other parents and teachers associated with the program, you may be seen as unreasonable in your rejection of the placement.
7. Fill out the form requesting a due process hearing.
8. After you have been contacted by the Administrative Law Judge, you must prepare your written materials and submit them to him/her and the school system's attorney five days before the scheduled hearing. You should include:
  - Records from physicians or medical agencies.
  - School records.
  - Any independent evaluations or statements by professionals.

- A record of your contacts with the school.
  - A record of your observations of your child's skills or needs.
  - A list of witnesses that you would like to have present at the hearing That may include school officials, teachers, and evaluators. If any of your witnesses need to be subpoenaed, this is the time to notify the Administrative Law Judge.
  - A statement of whether or not you would like the hearing to be open to the public. (If it is open, you may invite a reporter to attend.)
9. The school must provide information on low cost legal or other services for assistance with the hearing upon request although it is wise to seek legal counsel when you first begin to consider requesting a hearing because the school district will be represented by counsel.
10. You may choose to have the child attend the hearing.
11. You have the right to ECR and/or mediation prior to the hearing. This is to be done within the established 15-day timeline for the hearing.
12. A decision is supposed to be reached within 45 days after the request is received.
13. In the beginning of the hearing, request that a copy of the transcript be sent to you as soon as it becomes available. You may also now choose the format in which you receive the hearing record and decision (i.e. written or electronic).
14. You may bring anyone you want to the hearing, including lawyers, advocates, professionals, family members, etc.

The Administrative Law Judge has the authority to order the school to provide whatever services or programs are needed. The school may be ordered to develop new programs or pay for private services. The decision of the Administrative Law Judge is final unless you appeal the results to either your county superior court or your district federal court within 30 days. Either side may appeal the decision.

### **Filing a Federal Complaint**

A complaint filed with a Federal office responsible for ensuring the implementation of Section 504, IDEA, or the ADA will result in an investigation to determine whether the State's educational policies and practices are in compliance with the

Education/58

law. If a state-wide or local educational agency is out of compliance with the law, political and legal pressure will be imposed until problems are corrected. Under the provisions of Section 504, a school district could lose all of its federal funds by failing or refusing to comply with the law.

You may file a complaint with either or both of these offices. The person who is currently responsible for special education programs in Georgia is:

Barbara Thomas  
United States Department of Education  
400 Maryland Avenue, SW.  
Washington, D.C. 20202

(202) 245-7386                      [barbara.thomas@ed.gov](mailto:barbara.thomas@ed.gov)

Under the provisions of Section 504 and the ADA, you would file a complaint with:

Thomas Hibino  
Regional Civil Rights Director  
United States Department of Education  
Region IV  
61 Forsyth Street  
Room 19-T-70  
Atlanta, Georgia 30303

404-562-6350

A complaint with the Office of Civil Rights may be filed independently of your due process hearing procedures and may be done before, during, or after that step. You may use the following form to file a complaint with the Office of Civil Rights or merely use it as a guide. You may also e-file a complaint using the form available on OCRs website.

send to: United States Department of Education  
Office for Civil Rights  
Region IV  
61 Forsyth Street  
Room 19-T-70  
Atlanta, Georgia 30303

1. Name (Mr./Ms.) \_\_\_\_\_  
(Last) (First) (Middle)  
on behalf of \_\_\_\_\_  
(Last) (First) (Middle)  
Street Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
(Area Code)

2. In the event this office is unable to locate you to discuss this complaint, please provide the following information concerning a person who knows where to contact you:

Name (Mr./Ms.) \_\_\_\_\_  
(Last) (First) (Middle)  
on behalf of \_\_\_\_\_  
(Last) (First) (Middle)  
Street Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
(Area Code)

3. Were you discriminated against because of (please circle):

Race or Color      National Origin      Religion  
Sex      Disability      Age

Other (explain) \_\_\_\_\_

If you are disabled please identify and describe your disability: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Who do you allege discriminated against you? Give the name of the institution.

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Organizational Unit/Department: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

5. If your complaint involves employment discrimination, in the space below give your job title and a description of your duties. \_\_\_\_\_  
\_\_\_\_\_

Education/60



6. On what date did the alleged act of discrimination occur? \_\_\_\_\_  
month day year

7. What is the most recent date of discrimination? \_\_\_\_\_  
month day year

8. Please list the names (address and phone numbers, if available) of any persons having knowledge of the discriminatory treatment. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. State in full what occurred to lead you to believe that you were discriminated against. Please provide names, dates and other forms of information which are available to you.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Were other persons similar to yourself (same race, sex, disability status) discriminated against as well?  
If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have persons of the other sex, race, national origin, or disability been treated differently than you in this matter?  
If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12a. Have you filed this complaint with any other federal, state, or local Civil Rights Agency?  
yes no

If yes, name of Agency \_\_\_\_\_  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

If not, do you intend to file with another agency?

yes no

Agency: \_\_\_\_\_

Street Address: \_\_\_\_\_

City and State: \_\_\_\_\_

12b. Have you tried to resolve your complaint through the internal grievance procedure at your institution?

yes no

If the answer is yes, what is the status of your complaint?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature

Date

(all complaints must be signed)

Once the OCR complaint has been filed, you will receive a letter and forms to be filled out and signed giving consent for the investigation to take place, and for your name to be used during the course of the investigation. If you do not want your name released, it is not necessary to sign that form. You may file the complaint on behalf of an individual or a group.

Within 105 days from the time the complaint is received, the Office of Civil Rights will determine whether the evidence proves that a violation of Section 504 has occurred. If a violation has occurred, they will try to obtain a remedy through negotiations within an additional 90 days. If negotiation fails, OCR will initiate formal enforcement action through administrative proceedings or by other means authorized by law. Complaints filed with OCR may prove to be an effective tool in advocating for the appropriate education of handicapped children.

Education/62

## **Lawsuits**

The last recourse you have is filing a lawsuit against the Georgia Board of Education. If the law is not being properly implemented or has been violated by school officials, then you are perfectly within your rights to take legal action. You should understand that the process can be long, drawn out, expensive and difficult, but possibly the only way to ensure compliance with the law. Since the outcome of the suit may affect many children across the state (or nation), you may want to seek the support and assistance of other parents or organizations who advocate on behalf of children's educational rights. You will need to contact a lawyer, personally, through one of the many available sources.

If you are in need of low cost legal assistance, you may locate the Georgia Legal Services office which is closest to where you live by calling (404) 206-5175. They will then be able to tell you whether or not you qualify, or make further referrals, if necessary. Your school system also has the responsibility to provide you with a list of local free or low-cost attorneys who can assist you, upon your request.

## **ORGANIZATIONS**

### **Involvement in Organizations**

As a parent, you may need support or information to aid you in fostering your child's education and/or development. There are a number of organizations which promote greater awareness of developmental problems. They can provide materials, resource lists, and programs that can help you understand and work effectively with your child's special needs.

Other organizations operate to protect children's rights. These offices should be able to explain the directives mandated by law and help you find legal services, if needed.

After assisting many parents for many years to advocate for an appropriate education for their children, one thing has become clear. No one parent can make the necessary changes in isolation. We all need the help and support of others.

IDEA 2004, Section 504, and the ADA are good laws. They are, however, only one weapon in your advocacy arsenal. A more powerful weapon with which to

create longer lasting change, with potentially more import, is that of relationship with other members of your school or community. With the laws, you can force people to do the right thing sometimes, but often only for a short period of time, and only because they are being forced. It is through getting to know people and sharing ideas that changes get made because the rationale behind them is understood and agreed upon. People share ideas about the way to respect and value all children.

We have further realized that associations of people are where the power is. This power stems from the fact that groups of citizens who combine their understanding, commitments, care and action are much greater than that of any one of them or even the sum of their independent actions.

It would be to your benefit to begin working on a community level with other parents. Parent organizations function in various ways: as support and education groups; as political lobbyists; as public relations groups; and as monitors of public programs. All of these functions enhance public, as well as parent, awareness of the needs and potential of children with disabilities. Such groups can also influence local, state and/or federal legislation.

You and/or your group can learn more about exceptional, innovative or highly integrated special education programs operating in or out of Georgia. Information and recommendations may be obtained from other parent and advocacy groups in Georgia, many of which are listed in the appendix. If you wish to visit a particular program, contact the special education director of that school system.

You may wish to join or form a local education committee to work with the school in planning and evaluating its educational services. In fact, every school system in Georgia which educates students with disabilities is required to establish a committee which is to serve in advisory capacity to its local Board of Education. Along with several others, this committee is to contain one or more parents of students who receive special education services. Many school districts also have parent mentors who are hired to answer questions for parents in their areas and some have stakeholder groups.

In general, an Education Committee can learn a great deal by simply reviewing the comprehensive plans for the state and local education agencies. These plans are developed every three years and the law requires public comment. Input from your group will be recorded and may result in long term changes in policy and procedures. The existence of these plans is a stipulation for receiving federal

Education/64

funds and the Department of Education has a compliance section which reviews all local plans.

Another appropriate activity for your group is participation in state and local monitoring activities. Each school system in Georgia is *supposed to be* monitored every three years to determine its compliance with IDEA 2004. After the monitoring is completed, a report is written citing areas of non-compliance. The local education agency is then given an opportunity to develop a plan of correction and make changes in these areas. The system is later reviewed to determine if the areas of non-compliance have been corrected.

As a parent, you may be a part of your system's monitoring. You can contact the local special education director for dates and times, and request to be included in the monitoring activities. Once monitoring has been completed, or if your system was monitored in the past, you may request a copy of the report and the school district's response. (See sample letters.)

Your Name Date

Your Address

Dr./Mr./Ms. \_\_\_\_\_, Superintendent

\_\_\_\_\_ County School System

Address

Dear Mr./Ms. \_\_\_\_\_ :

Please advise me of the date the \_\_\_\_\_ County School System's Special Education program was last monitored. Also, please send me a copy of the monitor's report.

Thank you.

Sincerely,

Your signature

(Keep a copy for your records)

Education/66

Date

Your Name

Your Address

Name (Special Education Director)

Address

Dear Dr./Mr./Ms. \_\_\_\_\_ :

The purpose of this letter is to request a copy of the Local Education Comprehensive Plan and the Monitoring Report for the (name of school system).

Please advise me on how I may obtain copies, or access to the above documents, and visit the special education programs.

Sincerely,

Your signature

(Keep a copy for your records)

Education/67

## **Monitoring a Local Education Agency**

The following are suggestions which you may use to determine whether state monitoring has brought about changes in your system.

1. Secure a copy of the State Education Agency Plan.
2. Secure a copy of the Local Education Agency Plan.
3. Secure a copy of the Local Education Agency monitoring report.
4. Take the most recent monitoring report and compare the deficiencies with the resolutions listed in the plan.
5. Make on-site visits to determine if written resolutions to deficiencies are actually being carried out.
6. If discrepancies exist between what is written on paper and what is happening, the following should be done. Prepare a letter to go to Ms. Nancy O'Hara at the State Department of Education giving the section of the monitoring report where there is continuing non-compliance.
7. List specific instances you are aware of, especially if they involve your child.
8. Keep copies of all correspondence for your records.
9. Monitoring activities are coordinated at the state level by:

Coordinator, Evaluation and Assessment  
State Department of Education  
Division for Exceptional Students  
205 Butler Street  
Twin Towers East, Suite 1970  
Atlanta, Georgia 30334

(404) 657-9950



## SUMMARY

The laws and systems are in effect, as described in this booklet, which will allow your child to receive a free, appropriate public education which meets his/her developmental goals, provides challenging expectations, and prepares him/her to lead a productive and independent adult life. Your actions, as your child's advocate, can assure that the process is completed as intended by those who drafted the laws. IDEA 2004 and its predecessors have achieved major accomplishments in getting children with disabilities into the schools. It is our responsibility to help the school system also recognize that serious problems have arisen as school districts strive to meet their various mandates while providing a quality educational experience for all children, especially in times of shrinking budgets. We need to let them know that we'll accept nothing less than the fact that **all** children are entitled to a free, appropriate, integrated, public education based in proven teaching methodologies.

To do this, you must form relationships and consequently teach or persuade those in power that children with disabilities have value, and that their rights must be protected.

## ACRONYMS USED IN SPECIAL EDUCATION

ADD	- Attention Deficit Disorder
ALJ	- Administrative Law Judge
AT	- Assistive Technology
BIP	- Behavioral Intervention Plan
CEC	- Council for Exceptional Children
DES	- Division for Exceptional Students of Georgia Department of Education
DFCS	- Department of Family and Children's Services
DHHS	- Department of Health and Human Services
DHR	- Department of Human Resources
DOE	- Department of Education
EBD	- Emotional and Behavioral Disorder
FBA	- Functional Behavioral Assessment
GaDOE	- Georgia Department of Education
GAO	- Georgia Advocacy Office
GLRS	- Georgia Learning Resources System
GLS	- Georgia Legal Services
GPAT	- Georgia Project for Assistive Technology
HI	- Hearing Impaired
IDEA 2004	- Individuals with Disabilities Education Act of 2004
IEE	- Independent Education Evaluation
IEP	- Individual Education Plan
IFSP	- Individualized Family Service Plan
IPP	- Individual Program Plan
IQ	- Intelligence Quotient
LD	- Learning Disabled
LEA	- Local Education Agency
LSS	- Local School System
MID	- Mildly Intellectually Disabled
MOID	- Moderately Intellectually Disabled
MH	- Mental Health
OCR	- Office for Civil Rights
OHI	- Other Health Impaired
OI	- Orthopedically Impaired
OSEP	- Office for Special Education Programs
OT	- Occupational Therapy
PID	- Profoundly Intellectually Disabled
PL 94-142	- Education for All Handicapped Children Act (now IDEA 2004)
PT	- Physical Therapy
PTI	- Parent Training Institute
SEA	- State Education Agency (Georgia Department of Education)
SID	- Severely Intellectually Disabled
SLD	- Specific Learning Disability
SLP	- Speech/Language Pathologist
SSI	- Supplemental Security Income
VI	- Vision Impaired
VR	- Vocational Rehabilitation

## RESOURCES

Alexander Graham Bell Association for the Deaf  
3417 Volta Place, NW  
Washington, DC 20007-2778  
(202) 337-5220 (Voice)  
(202) 337-5221 (TTY)  
[www.agbell.org](http://www.agbell.org)

American Foundation for the Blind, Regional Office  
100 Peachtree Street, Suite 620  
Atlanta, GA 30303  
(404) 525-2302  
[www.afb.org](http://www.afb.org)

American Speech, Language, and Hearing Association  
2200 Research Blvd.  
Rockville, MD 20850  
(301) 296-5700 (Voice/TTY)  
1-800-638-8255 (Voice/TTY)  
[www.asha.org](http://www.asha.org)

Atlanta Alliance on Developmental Disabilities  
828 West Peachtree Street, NW, Suite 304  
Atlanta, GA 30308-1146  
(404) 881-9777 (Voice/FAX)  
1-800-255-0135 (Voice)  
1-800-255-0056 (TTY)  
[www.aadd.org](http://www.aadd.org)

Autism Society of America, Georgia Chapter  
P.O. Box 3707  
Suwanee, GA 30024  
(770) 904-4474  
[www.asaga.com](http://www.asaga.com)

Bazelon Center for Mental Health Law  
1101 15<sup>th</sup> Street, NW, Suite 1212  
Washington, DC 20005-5002  
(202) 467-5730 (Voice)  
(202) 467-4232 (TTY)  
[www.bazelon.org](http://www.bazelon.org)

Center on Human Policy  
Syracuse University  
805 S. Crouse Avenue  
Syracuse, NY 13244-2280  
(315) 443-3851 (Voice)  
(315) 443-4355 (TTY)  
1-800-894-0826 (Voice)  
[www.thechp.syr.edu](http://www.thechp.syr.edu)

Council for Exceptional Children, Information Service  
1110 N. Glebe Road, Suite 300  
Arlington, VA 22201-5704  
1-888-232-7733 (Voice)  
1-866-915-5000 (TTY)  
[www.cec.sped.org](http://www.cec.sped.org)

Easter Seal of North Georgia  
5600 Roswell Road, Prado North, Suite 100  
Atlanta, GA 30342  
(404) 943-1070  
[www.ga-no.easter-seals.org](http://www.ga-no.easter-seals.org)

Easter Seal of Southern Georgia  
1906 Palmyra Road  
Albany, GA 31701  
(229) 889-9647  
1-800-365-4583  
[www.souther.georgia.easterseals.com](http://www.souther.georgia.easterseals.com)

Georgia Advocacy Office  
150 E. Ponce de Leon Avenue, Suite 430  
Decatur, GA 30030  
(404) 885-1234 (Voice/TTY)  
1-800-537-2329 (in-state toll-free)  
[www.thegao.org](http://www.thegao.org)

Georgia Council for the Hearing Impaired  
4151 Memorial Drive, Suite 103-B  
Decatur, GA 30030  
(404) 292-5312 (Voice/TTY)  
1-800-541-0710 (Voice/TTY)  
[www.gachi.org](http://www.gachi.org)

Georgia Legal Services  
104 Marietta Street, Suite 250  
Atlanta, GA 30303  
(404) 206-5175  
[www.glsp.org](http://www.glsp.org)

Learning Disabilities Association of America  
4156 Library Road  
Pittsburgh, PA 15234-1349  
(412) 341-1515  
[www.ldanatl.org](http://www.ldanatl.org)

Learning Disabilities Association of Georgia  
770 Old Roswell Place, Suite G-300  
Roswell, GA 30077  
678-461-4471  
[www.accessatlanta.com/community/groups/ldag](http://www.accessatlanta.com/community/groups/ldag)

Multiple Sclerosis Society, Georgia Chapter  
12 Perimeter Center East, Suite 1200  
Atlanta, GA 30346  
(770) 393-8833  
[www.nmssga.org](http://www.nmssga.org)

National Center for Youth Law  
405 14<sup>th</sup> Street, 15<sup>th</sup> Floor  
Oakland, CA 94612-2701  
(510) 835-8098  
[www.youthlaw.org](http://www.youthlaw.org)

National Federation of the Blind  
1800 Johnson Street  
Baltimore, MD 21230  
(410) 659-9314  
[www.nfb.org](http://www.nfb.org)

Parent-to-Parent of Georgia  
3805 Presidential Parkway, Suite 207  
Atlanta, GA 30340  
(770) 451-5484  
1-800-229-2038  
[www.parenttoparentofga.org](http://www.parenttoparentofga.org)

Spina Bifida Association of Georgia  
3355 N.E. Expressway, Suite 207  
Atlanta, GA 30341  
(770) 454-7600  
[www.spinabifidaofgeorgia.org](http://www.spinabifidaofgeorgia.org)

Unitted Cerebral Palsy  
3300 NE Expressway, Building 9  
Atlanta, GA 30341  
(770) 676-2000  
[www.accessatlanta.com/community/groups/ucp](http://www.accessatlanta.com/community/groups/ucp)

## INTERNET LEGAL RESEARCH – Some Useful Websites

### FEDERAL LEGAL INFORMATION

#### Cases:

##### United States Supreme Court

- <http://www.findlaw.com/cascode/supreme.html> (cases from 1893, searchable by keyword, title, and citation)
- <http://supct.law.cornell.edu/supct> (cases from 1990, searchable by keyword)

##### Courts of Appeals

- <http://www.law.emory.edu/FEDCTS>
- <http://www.law.cornell.edu> (all Court of Appeals decisions can be searched simultaneously)

##### District Courts

- <http://uscourts.gov/allinks.html>
- <http://www.law.emory.edu:80/11circuit/index.html> (11th Circuit post 1994)

#### Statutes and Bills:

##### United States Code

- <http://www.law.cornell.edu/uscode/> (United States Code, searchable by keyword and regularly updated)

##### Bills

- <http://thomas.loc.gov> (searchable by keyword and includes recent committee reports)

#### Regulations, Agencies, and other Federal Sites:

##### Federal Agencies

- <http://www.infoctr.edu/fwl/> (links to the websites of federal agencies)

##### Government Printing Office

- <http://www.gpo.ucop.edu> (U.S. Code Bills and Federal Register)

## GEORGIA LEGAL INFORMATION

### Cases:

- <http://www2.state.ga.us/Courts/Supreme> (The Court of Appeals does not have its own website, but its opinions can be found here)

### Statutes and Bills:

- <http://www.ganet.org/services/ocode/ocgsearch.htm> (a searchable, but unannotated, version of the Official Code of Georgia)
- <http://www.ganet.org/services/newleg>

### Administrative Rules and Regulations:

- <http://www.ganet.org/registry/> (this site contains administrative rules and regulations as well as attorney general opinions)

### Agencies:

- <http://www.state.ga.us/index/state.cgi> (links to state agencies and to other legislative and executive offices in Georgia)

### Local Governments:

- <http://www.state.ga.us/index/local.cgi> (links to city and county websites and to local government associations)

## SECONDARY SOURCES

### Law Reviews and Law Related Journals

- <http://www.lawreview.org>
- <http://www.ilrg.com/journals.html>

### National Law Journal

- <http://www.nlj.com>

## REFERENCE AIDS

### Legal Encyclopedias

- <http://www.lectlaw.com/ref.html>
- <http://www.nolo.com/encyclopedia/index.html>

### Legal Research Tools

- <http://www.lawrunner.com>
- <http://www.ali-aba.org/aliaba/search.htm>
- <http://www.secure.law.cornell.edu/topics/disability.html>
- <http://www.makoa.org/index.html>

### National Nonprofit Disability Organizations

- <http://www.ncd.gov/>
- <http://www.bazelon.org/who.html>

### Bar Associations

- <http://www.gabar.org>
- <http://www.abanet.org/disability/>

### Publications

- <http://www.ragged-edge-mag.com/>

## SUBSTANTIVE AREAS

### **Special Education:**

- <http://www.edlaw.net/>
- <http://www.copaa.net> (an independent, nonprofit organization of attorneys, advocates, and parents established to improve the quality and quantity of legal assistance for parents of children with disabilities)
- <http://www.wrightslaw.com>

### **Americans with Disabilities Act:**

- <http://janweb.icdi.wvu.edu/kinder/>
- <http://www.usdoj.gov/crt/ada/settlemt.htm#anchor502508>



## PUBLICATIONS

Parent Manual: Education for Your Handicapped Child, 5555 North Lamar, Suite K-109, Austin, Texas 78751. Parents may order a copy at no cost.

Workshop Materials: Educational Rights of Handicapped Children. Written and edited by Reed Martin, Research Press Company, 2612 North Mattis Avenue, Champaign, Illinois 61810.

Workshop Materials: Legal Challenges in Regulating Behavior Change, Written and edited by Reed Martin, Research Press Company, 2612 North Mattis Avenue, Champaign, Illinois 61810.

How to Get Services by Being Assertive, Coordinating Council for Handicapped Children, 407 S. Dearborn, Chicago, Illinois 60605.

How to Organize an Effective Parent Advocacy Group and Move Bureaucracies, Coordinating Council for Handicapped Children, 407 S. Dearborn, Chicago, Illinois 60605

94-142 and 504: Numbers that Add Up to Educational Rights for Handicapped Children. A guide for Parents and Advocates. Children's Defense Fund, 1520 New Hampshire Avenue, NW, Washington, DC 20036.

Taking on the World: Empowering Strategies for Parents and Children with Disabilities, by Joyce Slayton Mitchell, Harcourt, Brace, Jovanovich, 1982.

Support Networks for Inclusive Schooling: Interdependent Integrated Education, by William Stainback and Susan Stainback, Paul Brooks Publishing, 1990.

Laying Community Foundations for Your Child with a Disability: How to Establish Relationships that will Support Your Child After You're Gone, by Linda J. Stengle, M.H.S., Woodbine House, 1996.

STATE DEPARTMENT OF EDUCATION  
PROGRAM FOR EXCEPTIONAL CHILDREN

Nancy O'Hara, Director (404) 656-3963

Associate Director (404) 657-9964

GNETs

Terry Fletcher, Coordinator (404) 657-9965

Evaluation and Assessment

Katharine Adams, Coordinator (404) 657-9950

Georgia Learning Resources System

John O'Connor, Coordinator (404) 657-9956

Other Health Impaired and IEPs

Brian Boham, Coordinator (404) 657-9968

GEORGIA DEPARTMENT OF EDUCATION  
Office of Instructional Services  
Division of Special Programs

GEORGIA LEARNING RESOURCES SYSTEM  
P.L. 91-230, Part D

Program for Exceptional Children  
1856 Twin Towers East  
Atlanta, Georgia 30334  
(404) 657-9966  
(800) 282-7552  
[www.glr.org](http://www.glr.org)

**State GLRS Coordinator** (404) 657-9958

**Coastal Area GLRS** Phone: (912) 877-2088  
Jan Schrum, Director 1-800-827-5239  
208 Shipman Avenue FAX: (912)-877-2089  
Hinesville, GA 31313

**Systems Served:** Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long and McIntosh

**East Central GLRS** Phone: (478) 275-3666  
Dr. Terrie Young, Director FAX: (478) 296-7766  
1100 Edgewood Dr.  
Dublin, GA 31021

**Systems Served:** Baldwin, Bleckley, Dodge, Hancock, Jasper, Johnson, Laurens, Montgomery, Pulaski, Putnam, Telfair, Treutlen, Washington, Wheeler, Wilcox and Wilkinson Counties; Dublin City.

**East Georgia GLRS** Phone: (706) 826-1128  
Jessie Stewart, Director (706) 826-1010  
Richmond County Board of Education FAX: (706) 826-4624  
East Georgia GLRS  
Central Office  
864 Broad Street  
Augusta, Georgia 30901

**Systems Served:** Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Taliaferro, Warren and Wilkes Counties

**Metro East GLRS**

Nancy Buice, Director  
Jim Cherry Center  
2415-C N. Druid Hills Rd. NE  
Atlanta, Georgia 30329

Phone: (678) 676-2417  
FAX: (678) 676-2418

**Systems Served:** DeKalb, Fulton, Gwinnett and Rockdale Counties; Buford and Decatur Cities.

**Metro South GLRS**

Cheryl Mitchell, Director  
440 Tilney Ave.  
Griffin, Georgia 30224

Phone: (770) 412-4082  
FAX: (770) 412-4084

**Systems Served:** Butts, Fayette, Henry, Lamar, Newton, Pike, Griffin-Spalding and Thomaston-Upson Counties.

**Metro West GLRS**

Dr. Deshonda Stringer, Director  
Rose Garden School  
1870 Teasley Drive, SE  
Smyrna, Georgia 30080

Phone: (770) 432-2404  
FAX: (770) 432-6105

**Systems Served:** Clayton, Cobb, Douglas County and Forsyth Counties; Atlanta and Marietta Cities.

**Middle Georgia GLRS**

Linda Curry, Director  
100 College Station Dr.  
Macon, Georgia 31206

Phone: (478) 475-8628  
FAX: (478) 475-8623

**Systems Served:** Bibb, Crawford, Houston, Jones, Monroe, Peach and Twiggs Counties.

**North Georgia GLRS**

Laura Brown, Director  
1342 Hwy. 254  
Cleveland, Georgia 30528

Phone: (706) 865-2141  
Fax: (706) 865-6748

**Systems Served:** Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties; Gainesville City.

**North Central GLRS**  
Pam Glasgow, Director  
4731 Old Hwy 5 South  
Ellijay, Georgia 30540

Phone: (706) 276-1111  
FAX: (706) 276-1108

**Systems Served:** Cherokee, Fannin, Gilmer, Murray, Pickens and Whitfield Counties;  
Dalton City.

**Northeast GLRS**  
Beth Adams, Director  
375 Winter Street  
Winterville, Georgia 30683

Phone: (706) 742-8292  
FAX: (706) 742-8928

**Systems Served:** Barrow, Clarke, Elbert, Greene, Jackson, Madison, Morgan, Oconee,  
Oglethorpe and Walton Counties; Commerce, Jefferson and Social Circle Cities.

**Northwest Georgia GLRS**  
Dr. Cassandra Allen Holifield, Director  
3167 Cedartown Hwy SE  
Rome, Georgia 30161

Phone: (706)-295-6189 x17  
FAX: (706) 802-5166

**Systems Served:** Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Haralson, Paulding,  
Polk and Walker Counties; Bremen, Calhoun, Cartersville, Chickamauga, Rome and Trion  
Cities.

**South Georgia GLRS**  
Claudia Parker, Director  
414 North Robinson Street  
Lenox, Georgia 31637

Phone: (229) 546-4367  
FAX: (229) 546-4167

**Systems Served:** Ben Hill, Berrien, Brooks, Cook, Echols, Irwin, Lanier, Lowndes, Tift and  
Turner Counties; Valdosta City.

**South Central GLRS**  
Carolyn Fluker, Director  
1215 Bailey Street Suite B  
Waycross, Georgia 31501

Phone: (912) 338-5998  
FAX: (912) 287-6654

**Systems Served:** Atkinson, Bacon, Brantley, Charlton, Clinch, Coffee, Pierce and Ware  
Counties.

**Southeast Georgia GLRS**

Alex Jordan, Director  
720 N. Church Street  
P.O. Box 779  
Claxton, Georgia 30417

Phone: (912) 739-1551  
1-800-858-7251  
FAX: (912) 739-2414

**Systems Served:** Appling, Bulloch, Candler, Evans, Jeff Davis, Screven, Tattnall, Toombs and Wayne Counties; Vidalia City.

**Southwest Georgia GLRS**

Kathie Rigsby, Director  
P.O. Box 1470  
433 Mercer Avenue  
Albany, Georgia 31701

Phone: (229) 432-9151  
FAX: (229) 435-1528

**Systems Served:** Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas and Worth Counties; Pelham and Thomasville Cities.

**West Central GLRS**

Rachel Spates, Director  
99 Brown School Drive  
Grantville, Georgia 30220

Phone: (770) 583-2528  
FAX: (770) 583-3223

**Systems Served:** Carroll, Coweta, Heard, Harris, Meriwether, Troup Counties; Carrollton City

**West Georgia GLRS**

Marguerite Oliver Hay, Director  
1120 Bradley Drive  
Columbus, Georgia 31906

Phone: (706)748-2140  
FAX: (706) 748-2056

**Systems Served:** Chattahoochee, Clay, Crisp, Dooly, Harris, Macon, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor and Webster counties.

The following pages contain sample forms which have been developed by the Georgia Department of Education, Division for Exceptional Students. They were drafted pursuant to the **IDEA 2004** which was signed into law in December, 2004. Similar forms may be requested from your local special education director, and while they may vary in format, the basic information contained therein, should be the same. Copies of these forms are included in this manual with permission and many more are found on the GA DOE website.

### Sample Forms

Parental Consent for Evaluation for Special Education Services  
Reevaluation/Redetermination  
Parent Consent for Excusal from IEP Meeting  
Formal Complaint form  
Due Process Hearing Request form



[LOCAL SCHOOL SYSTEM INFORMATION]

Parental Consent for Evaluation for  
Special Education Services

\_\_\_\_\_

(Date)

Dear Parent of \_\_\_\_\_  
(Child's Name)

Your child was referred by \_\_\_\_\_ and was recommended for evaluation by the Student Support Team or other appropriate source. We would like to conduct an individual evaluation to gather more information about how to better meet your child's needs.

If you have any questions about the evaluation process or want to know more details about the evaluation, please contact:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Name Title Phone Number

If you agree to have your child evaluated, you can request to know the exact time and place that it will occur. You will also be invited to a meeting to discuss the evaluation and possible eligibility for Special Education services. No changes will be made in your child's educational program until we hold the meeting and you provide any necessary consent. Providing this consent to evaluate does not allow the system to provide special education services.

The individual evaluation may include these areas: learning ability, vision, hearing, motor skills, social/emotional, achievement, speech/language or others. An explanation of these areas is included. **If you have information that you would consider helpful (e.g., evaluations, medical reports, etc.), please provide this information to assist in determining your child's educational needs** Your parental rights are included, which show that you have certain rights regarding consent and evaluation procedures.

Georgia Department of Education

Model Form July 2007





[LOCAL SCHOOL SYSTEM INFORMATION]

Parental Consent for Evaluation for Special Education Services

Please sign to let us know whether or not you agree for the evaluation to take place and return this letter to:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Name Title Phone Number

If you do not return this form by \_\_\_\_\_, we will contact you about your decision. (Date)

Thank you for your cooperation.

Sincerely,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Name Title Phone Number

Yes, I agree for my child \_\_\_\_\_ to be evaluated.

No, I do not agree for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
Signature of Parent Date

Attachment

Georgia Department of Education

Model Form July 2007



[LOCAL SCHOOL SYSTEM INFORMATION]
Reevaluation/Redetermination

DATE:
STUDENT:
SCHOOL:

STUDENT NUMBER:
DATE OF BIRTH:
DATE ELIGIBILITY DUE:

The IEP Committee has reviewed the student data as outlined below and determined whether or not additional or updated data may be needed for continuing eligibility.

I. DATA REVIEWED (Check all that apply and attach documentation if applicable)

- Information from Parents
IEP Goals and Objectives
Previous Psychological Evaluation
Standardized Test Results
Social History Update
Curriculum Based Assessments
Behavior scales
Classroom Observation
Speech-language Data
Hearing/Vision Screening/Data
Assistive Technology Data
Teacher/Staff Observations
Self-Help Skills
Discipline Records
Present Age, Grade, and Placement
Achievement Data
Current Eligibility Information
Medical Records
Progress and Grade Reports
Attendance Records
Anecdotal Records
Portfolio/Current Work Samples
OT/PT Data
Transition Plan
Behavioral Intervention Plan
Classroom Based Assessments
Adaptive Behavior
Other data (specify):

II. RECOMMENDATIONS:

Is additional data needed to determine:

- Present levels of performance and educational needs of the student (e.g., transition and postsecondary planning)?
Whether the student continues to need special education and related services?
Whether any additions or modifications to the special education and related services are needed to meet IEP goals and participate, as appropriate, in the general curriculum?

If "yes" to any of the above, the IEP team recommends the following (check one)

( ) Refer for reevaluation in order to determine continued eligibility. Current eligibility(ies):
Evaluation in the following area(s) is recommended:

( ) Refer for reevaluation to consider new/additional eligibility. Evaluation in the following area(s) is recommended:

( ) Refer for assessment in the following areas to gather information to aid instructional planning – not for eligibility purposes:

( ) No additional data is needed for continued eligibility in the following area(s):

III. ELIGIBILITY DETERMINATION:

- Student Continues to Meet Eligibility for
Eligibility Determination Will Be Made after Additional Information/Data is obtained.
Student Does Not Meet Eligibility for

IV. PARENTAL CONSENT:

- Yes, I do agree with the Recommendation
No, I do not agree with the Recommendation
Consent for Evaluation form completed by parent, if any evaluations are requested
Parent given a copy of Parental Rights, if appropriate

Signature of Parent

Date

## Parent Consent for Excusal from IEP Meeting

Student: \_\_\_\_\_ Date \_\_\_\_\_

Parent: \_\_\_\_\_

IEP Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

\_\_\_\_\_, a required member of your child's IEP Team has requested to be excused in whole, or in part from the IEP meeting scheduled for the date indicated above. A required team member may be excused from attending an IEP meeting with parental consent. Excusing the attendance of a teacher or related service provider at an IEP Team meeting is **optional**.

I agree to excuse the attendance of \_\_\_\_\_  
*Teacher or related service provider*

at the IEP Meeting scheduled for \_\_\_\_\_ because (check one):  
*Date*

This staff member's area of the curriculum or related services is not being modified or discussed in this meeting.

**OR**

Although the meeting involves a modification to or discussion of this staff member's area of the curriculum or related services, he/she will submit in writing, to the parent and IEP Team, input into the development of the IEP prior to the meeting.

I do not agree to the excusal. Please contact me to reschedule the meeting when required members are able to attend.

---

**Parent – Please sign and return entire form to your child's school.**

Signature of Parent: \_\_\_\_\_ Date \_\_\_\_\_

Phone/Email: \_\_\_\_\_



## FORMAL COMPLAINT

Name of person filing complaint: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Complaint regarding: School System: \_\_\_\_\_  
School: \_\_\_\_\_  
Student (if about a particular student or students): \_\_\_\_\_  
Parent (if other than person filing complaint): \_\_\_\_\_  
Parent address (if other than above): \_\_\_\_\_

What Individuals with Disabilities Education Act (IDEA) regulation(s) or Special Education rule(s) do you feel has been violated? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe the problem (or you may attach a written explanation): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## DUE PROCESS HEARING REQUEST

Parent Name:	Phone #:
Street Address:	City/Zip:
Email:	Alternate Phone #:
Fax #:	

Full Name of Child:
Current School:
School System:

Parent Representative (if any)	<input type="checkbox"/> Attorney <input type="checkbox"/> Advocate
Representative Name:	Phone #:
Street Address:	City/Zip:
Email:	Alternate Phone #:
Fax #:	

School System Attorney Name:	Phone #:
Street Address:	City/Zip:
Email:	Alternate Phone #:
Fax #:	



## DUE PROCESS HEARING REQUEST

**Complete only the following information that applies to your request for a hearing.**  
**Reason(s) why you are requesting a due process hearing: Check one or more of the following:**

- Identification** (related to the identification of the child's disability)
- Evaluation** (process of assessment/testing the child)
- Educational Placement** (where the child receives IEP services)
- Free Appropriate Public Education.** There are 5 common basic principles of FAPE under the IDEA:
  - (1) FAPE is available to all children without regard to severity of disability (**zero reject principle**).
  - (2) FAPE is provided without cost to parents.
  - (3) FAPE consists of individualized programming and related services.
  - (4) FAPE provides an education that is appropriate, but not the best possible.
  - (5) FAPE provided in the **least restrictive environment (LRE)**.

**Briefly describe the facts and details related to the concerns you have checked above.**

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**How would like this problem or these problems solved? In other words, what do you want for the child that you feel she or he needs?**

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## DUE PROCESS HEARING REQUEST

Do you wish to enter into an Early Resolution Meeting?

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No) (parent initial)

If you do not wish to participate in the Early Resolution Session, you and the school system *must both agree* in writing to waive this meeting or to try mediation.

Are you willing to participate in the mediation process to try and resolve your concerns? \_\_\_\_\_ (Yes) \_\_\_\_\_ (No) (parent initial)

\_\_\_\_\_  
(Signature of Parent/Parent Representative)

\_\_\_\_\_  
(Date)

The school system **will agree** to participate in:

\_\_\_\_\_ Early Resolution Session

\_\_\_\_\_ Mediation

The school system will **not agree** to participate in:

\_\_\_\_\_ Early Resolution Session

\_\_\_\_\_ Mediation

\_\_\_\_\_  
(Signature of School System Designee)

\_\_\_\_\_  
(Date)